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JOURNAL

OF THE

SENATE

JANUARY SESSION OF 1973

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JOURNAL

OF THE

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Wednesday, 3Jan73

The Clerk called the Senate to order at 11 o'clock.

The Clerk called the Roll which showed all Senators present as follows: Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson, Spanos, Nixon, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

At that time, on the first Wednesday in January, in the year of our Lord, one thousand nine hundred and seventy-three, being the day prescribed by the Constitution for the Legislature of New Hampshire to assemble at the Capitol in the City of Concord in said State, and His Excellency the Honorable Walter Peterson, Governor, and the Executive Council, having come into the Senate Chamber, took and subscribed the oaths of office and witnessed the signing of the oath by each individual Senator, and were duly qualified as Senators agreeably to the provisions of the Constitution, namely:

District No. 1	Laurier A. Lamontagne
District No. 2	Andrew W. Poulsen
District No. 3	Stephen W. Smith
District No. 4	Edith B. Gardner
District No. 5	David Hammond Bradley
District No. 6	Richard P. Green
District No. 7	Alf E. Jacobson
District No. 8	Harry V. Spanos
District No. 9	David L. Nixon

District No. 10	Clesson J. Blaisdell
District No. 11	C. R. Trowbridge
District No. 12	Frederick A. Porter
District No. 13	John H. McLaughlin
District No. 14	Thomas J. Claveau
District No. 15	Roger A. Smith
District No. 16	Richard F. Ferdinando
District No. 17	William E. Sanborn
District No. 18	Paul E. Provost
District No. 19	Ward B. Brown
District No. 20	Robert F. Bossie
District No. 21	Walworth Johnson
District No. 22	Delbert F. Downing
District No. 23	Robert F. Preston
District No. 24	Eileen Foley

Mr. President: The House of Representatives is ready to meet with the Honorable Senate in joint convention for the purpose of electing a Secretary of State and a State Treasurer and for canvassing the votes for Governor and Councilors.

The Honorable Senate recessed.

The Senate was recalled to order at 4 p.m. o'clock.

Sen. Spanos moved that Sen. Porter be elected temporary presiding officer.

Seconded by Sen. Lamontagne.

Adopted.

The Clerk requested Sens. Bradley and Blaisdell to escort the temporary presiding officer to the rostrum.

Sen. Trowbridge moved that in the proceedings of the election of the Senate President, the election be by thirteen positive affirmative votes for the final candidate.

Seconded by Sen. Green.

Sen. Spanos spoke in favor of the motion.

Motion adopted unanimously.

The presiding officer asked for nominations for the office of President of the Senate.

Sen. TROWBRIDGE: It is my pleasure to place in nomi-

nation the name of Sen. David Nixon of New Boston, District No. 9.

I have known Sen. Nixon for five or six years. During that time he served in both the House and the Senate, and also as Moderator of New Boston and as the Chairman and President of the Manchester Bar Association and many other civic organizations. In all of these capacities he has always been friendly, capable and fair. I can say that in all the deliberations during the last weeks, as he has been a candidate, I don't think anyone would fault me for saying that he has been always acting in a fair and honest manner, which becomes a Senate President.

I am sure that no matter what the vote will be, David Nixon, being a good athlete, would be a gracious winner or a gracious loser. Therefore, I think he would be an admirable candidate for the office of Senate President.

Sen. S. SMITH: Mr. Chairman, I would like to second the nomination, also having served with Sen. Nixon during the past session; as Chairman of the Judiciary Committee he served well and ably and with ability and, I think stressed by Sen. Trowbridge, with fairness. I hope that the Senate would vote for him.

Sen. FERDINANDO: Mr. Chairman, I nominate Sen. Jacobson as President of our Senate. I have worked with Sen. Jacobson for the last four years. I don't know of anybody who is as dedicated and as able and conscientious as Sen. Jacobson is. I think we would be very proud to have him as our President of the Senate.

Sen. BROWN: Mr. Chairman, I would like to second the nomination of Sen. Jacobson for President. I also served with Sen. Jacobson in the last session and found him to be very capable and very fair. It is indeed my pleasure to second the nomination of Sen. Jacobson.

Sen. FOLEY: Mr. Chairman, I should like to place into nomination for Senate Presidency the name of Harry Spanos of Newport, who was the duly elected Minority Leader of our party in the Senate.

Sen. PRESTON: I would like to proudly second the nomination of Harry Spanos as the President of the Senate.

Sen. LAMONTAGNE: I wish to make a comment as to the reasons why I am going to vote for Sen. Jacobson today. Mr. President and members of the Senate, I am sure that this is nothing new, because you have already seen it in the press, that is my position and the reason why I want to vote for Sen. Jacobson. I feel that the record ought to show that I personally feel, with the experience I have had of many years in the past, I feel this is nothing new, because when Governor King was in, was the Governor of my party, therefore I voted for Sen. Spanos, who was not my candidate. The reason why I voted for Sen. Spanos was because Governor King would have had a problem and, therefore, he needed to have someone to lead his program. Therefore, I felt that it was the right thing to do, and not for me to create a disturbance within my own party, and at the same time for the Governor to be able to get a leader of his choice. Today we are facing another situation which happens to be under the control of the Republican administration, and I, again, will repeat myself and say that I am voting for Sen. Jacobson because I feel that Sen. Jacobson is the leader that I am sure could be of the Governor's choice and, therefore, be able to lead the Governor's program, the program that will be proposed by the Governor. Therefore, he needs his leaders, and I, for one, certainly don't want to be blamed for not giving the Governor the leadership that he needs. That is one reason why I am voting for Sen. Jacobson.

Sen. Downing moved that the nominations be closed.

Seconded by Sen. Bossie.

Motion carried.

Presiding Officer: The Chair would state there are three candidates: The Chair will request a Division vote. There are three candidates: Sen. Alf Jacobson, District No. 7; Sen. Harry Spanos, District No. 8; and Sen. David Nixon, District No. 9. When the name of the candidate that you favor is called, would you please rise on the call and remain standing until you are counted.

Eight members having voted for Sen. Jacobson, nine members having voted for Sen. Spanos, seven members having voted for Sen. Nixon, there is no majority vote.

The Chair called for a second ballot.

Eight members having voted for Sen. Jacobson, nine members having voted for Sen. Spanos, and seven members having voted for Sen. Nixon, there is no majority vote.

Sen. Spanos moved to recess.

The Senate recessed.

The Senate was recalled to order.

The Chair called for a third ballot.

Eight members having voted for Sen. Jacobson, nine members having voted for Sen. Spanos, and seven members having voted for Sen. Nixon, there is, for the third time, no clear majority of thirteen.

The Chair requested another vote.

Eight members having voted for Sen. Jacobson, nine members having voted for Sen. Spanos, and seven members having voted for Sen. Nixon, there is no majority.

Sen. Blaisdell moved for a recess.

The Senate recessed.

The Senate was recalled to order.

Presiding Officer: The Chair would like to state that we are pleased to have the former President of the Senate in the gallery, and we welcome his presence and hope that he might learn something from our deliberations. We welcome Sen. Bradshaw.

PERSONAL PRIVILEGE

Sen. SPANOS: First of all, I want to take this opportunity to thank all of my colleagues who indicated that they thought that I was qualified and capable enough to Chair this very wonderful body. I want to take this opportunity to thank each and every one of them for their support. I also want to thank Logie, too; although he didn't support me, I know it was all in the best spirit of what he believes to be right. Therefore, under those circumstances, because I do not feel that my candidacy is a viable one at the present time, I am releasing my members to vote as they see fit in the next call.

Presiding Officer: The question is on the nomination of

the candidate for Senate President, there being still three candidates: Sen. Alf Jacobson, Sen. Harry Spanos, and Sen. David Nixon. It is the Chair's understanding that Sen. Spanos has released his delegation to him.

Eleven members having voted for Sen. Jacobson, one for Sen. Spanos, and twelve for Sen. Nixon, there is still no majority.

The Senate recessed.

The Senate was recalled to order at 6:10 p.m.

Sen. Ferdinando moved to recess until Thursday morning at 10 o'clock.

Sen. S. SMITH: Mr. Chairman, I rise in opposition to the motion. I think we have business to do, and I think that we should resolve the issue tonight.

Sen. Lamontagne called for a Roll Call.

Seconded by Sen. Blaisdell.

The following voted in the affirmative: Sens. Lamontagne, Poulsen, Gardner, Jacobson, McLaughlin, Claveau, Ferdinando, Sanborn, Provost, Brown, Johnson, and Downing.

The following voted in the negative: Sens. S. Smith, Bradley, Green, Spanos, Nixon, Blaisdell, Trowbridge, R. Smith, Bossie, Preston, Foley and Porter.

Twelve members having voted in the affirmative, twelve in the negative, the motion is lost.

Presiding Officer: The Chair would state that Sen. Spanos has clarified his previous statement whereby he released those Senators obligated to his candidacy, stating that he meant that he was withdrawing as a candidate for Senate President.

Sen. Ferdinando requested a recess.

The Senate recessed.

The Senate was recalled to order.

Presiding Officer: The question is on the nomination for Senate President, the candidates being Alf Jacobson of District No. 7 and David Nixon of District No. 9.

Sen. Lamontagne requested a Roll Call.

Seconded by Sen. Poulsen.

The following Senators voted for Sen. Jacobson: Sens. Lamontagne, Poulsen, Gardner, Jacobson, McLaughlin, Ferdinando, Sanborn, Provost, Brown, Johnson and Downing.

The following Senators voted for Sen. Nixon: Sens. S. Smith, Bradley, Green, Spanos, Nixon, Blaisdell, Trowbridge, Porter, Claveau, R. Smith, Bossie, Preston and Foley.

Sen. Jacobson moved that the vote be made unanimous.

Motion carried. Vote made unanimous.

Presiding Officer appointed Sen. Jacobson and Sen. Spanos to escort Sen. Nixon to the rostrum.

President DAVID NIXON: I would like to express my deep appreciation for the honor you have accorded me. At the same time, I would like to express my fullest understanding of those who supported the candidacy of Alf Jacobson, a most worthy and able Senator.

I would like to start this administration, as far as the Senate is concerned, by reporting to you that Sen. Jacobson, who has served so ably as Chairman of the Committee on Executive Departments, Municipal and County Governments will have that position in this administration.

Sen. Ward Brown, who very nobly, in my judgment, was willing to concede a position that he had worked for with respect to the Finance Committee, will be reappointed to the Finance Committee.

Sen. Richard Ferdinando, who has served ably as Chairman of the Committee on Banks, Insurance and Claims, will be reappointed to that Committee.

Sen. Frederick Porter will serve as Majority Leader.

As you know, we are in a coalition administration, in the sense that both those who have supported my candidacy and those who have supported Alf have campaigned, not only amongst Republicans, but amongst Democrats. At first I thought that this was not a healthy thing. I think now, however, I suppose having been the beneficiary of the process, that it may be good, not so much for that reason as for the reason that it is time that the New Hampshire Senate, as well as the rest of the State, recognize that lines between Democrats and Republicans aren't drawn on any but few issues.

I would like to say that there has been much talk with respect to the involvement of the Office of the Governor-Elect in the processes which have led to this result. As far as I am concerned on that score, bygones are bygones. I think the Senate is an independent body, as is the House, and is the Executive Department. Insofar as I am concerned, and I know the same is true of all of you, legislation emanating at the request of the Governor will receive that respect and that support which its merits entitle it to, and if it doesn't have it it will not receive that support.

I might say in this regard, with respect to legislation that I have myself sponsored and pre-sponsored with respect to the upcoming session, my view of the Office of the Presidency of the New Hampshire Senate is such that I do not think that I should, nor will I, take the floor and advocate any position on any legislation, whether sponsored by me or otherwise.

You may, as Democrats, and you may, as those who have supported Alf's candidacy, count on my fairness full and throughout. If I don't at all times meet the standards of fairness which you apply, as opposed to those that I would apply, I hope you will remind me of that fact and bring me up short.

Appointments and considerations with respect to the Democratic party, as far as I am concerned, are properly the business of the leader of the Democratic party, and will be so treated.

So far as the Senate, itself, in its day-to-day operations is concerned, I envision that we will be a flexible body working when there is work to be done and not meeting when there is no, or little, work to be done.

I have envisioned, and had suggested to me, that the Senate should go to the people. We have in mind, in that respect, the possibility of the New Hampshire Senate meeting in the home town or city, as the case may be, of each of the twenty-four Senators with the Senator from that District or area of that town presiding at the session in that town, so that the people of this State who have good reason for not understanding some of the processes we go through in our tortuous way to the results we obtain, will have a better opportunity to see what we consider to be democracy in action.

No Senator need fear or be concerned about not having a

full stage, full opportunity to have his legislation and his viewpoint brought to the floor and considered on its merits. There are rules that will be suggested to you emanating from the ad hoc committee on rules, permitting any sponsor to have any bill of his withdrawn or brought to the floor from any committee, amongst other improvements.

I think, in conclusion, I would only say that I have only been a Senator one term, and there are great possibilities for cooperation and working together in a body of this size. There are great possibilities, on the other hand, for confusion and disorder, and, unfortunately, in some cases, animosity. I will do everything in my power, and I know I will have the help of the great majority, if not every one of you, to see that this is an enjoyable, as well as a productive session, one that we can all look back on with some degree of accomplishment and some degree of respect for the feelings of the others.

I congratulate, finally, my worthy opponent, Alf Jacobson, who I have always, and would like to now, consider a friend, on a tough campaign, ably presented. I am very appreciative of the grace he has demonstrated, I know how fatigued he has been, in moving to make this nomination unanimous.

With that, I once again thank you all and hope that we will have a good time together in the best interests of all the people we all serve.

Please excuse me for not being a little more eloquent and covering all the points, but I am sure Jake and I had the same decision last night, as well as Harry, that is whether to write a loser's speech, a winner's speech, or both, and we all, I think, arrived at the same decision, that was to write none of them. So, none was written.

Now, Mr. Clerk, what is the next order of business?

The Clerk: The next item of business is No. 4, that is entitled "Election of other officers." The floor is opened for nominations for the position of Senate Clerk.

Sen. S. SMITH: Mr. President, I place in nomination the name of Wilmont White for Clerk of the Senate. He has served in the House and in the Senate. He has been the Clerk of the Senate for the past two terms, and before that was Assistant Clerk for two terms. I think all of us who have been here before

know him and know of his ability, and I hope that the Senate will vote for him for Clerk of the Senate.

Sen. Lamontagne seconded the motion.

Sen. Downing moved that the nominations be closed.

Seconded by Senator Bossie.

The Senate voted to close the nominations.

Sen. Bossie moved that the Clerk cast one unanimous vote for Mr. White.

Seconded by Sen. Blaisdell.

Unanimous vote in favor of the motion.

Wilmont White unanimously elected Senate Clerk.

Sen. SPANOS: I would like to move that the balance of the officers to be elected this afternoon be laid over until some future date, for example maybe tomorrow. in order that we might have an idea of who may be candidates for some of these positions.

Motion seconded by Sen. Johnson.

Motion carried.

SUSPENSION OF THE RULES

Sen. SPANOS: Mr. President. I move that the rules of the Senate be so far suspended as to permit the business in order for the late session to be made the business in order at the present time, and that when we adjourn, we adjourn until tomorrow at 10 o'clock.

Motion carried.

The Chair: The Senate is in late session.

Sen. Johnson moved adjournment.

Motion carried.

Thursday, 4 Jan 73

The Senate met at 10:40 o'clock.

A quorum was present.

Prayer was offered by Senator Jacobson.

Pledge of Allegiance was led by Sen. Spanos.

ANNOUNCEMENT

The President: We are going to assemble in Joint Convention in the House at 11 o'clock for the purpose of some preliminary business and resolutions necessary on a joint basis.

Secondly, Sen. Poulsen is ill and has been excused for that reason from today's proceedings.

With respect to Committee appointments, I met this morning the first thing with Sen. Jacobson, Sen. Spanos, Sen. Roger Smith, Sen. Steve Smith, Sen. Porter and Sen. Trowbridge, for the purpose of attempting to ameliorate, harmonize, and make appointments based on merit, based on recognition of ability, based on loyalty, if you will, and based on doing the best that all of us as a consensus could do in terms of giving every Senator a responsible position, one that he has indicated an interest in, and one that he has shown some ability in respect to. But, it is all subject to each one of you, individually, coming to me, or getting word to me as quickly as possible, and I mean by that, today, if you have a preference that is fixed in your mind that you want to argue your case for with me. Your argument will be received on its merits, and conveyed to the others, and, again, the harmonizing process will go into effect. I expect to have all chairmanships and Committee members appointed as of the end of tomorrow. I do not know where I will be between now and tomorrow, but I will be available either here or in my office in Manchester or at my home in New Boston, or at the Inaugural Ball, and I am receptive to everyone as far as having your views made known and having your case argued. I mean that.

The Chair is open to nominations.

Sen. S. SMITH: Mr. President, I would like to place into nomination the name of Mr. Carl Petersen, of Litchfield, for the position of Assistant Clerk. He has served as Chairman of

the Board of Selectmen in the Town, he has worked as a member of the Budget Committee for the Town of Litchfield, and he has held other Town offices, and he has been involved in other Town activities. He served thirty-one years with the Navy Department, including military service in both an administrative and supervisory capacity. I think he is a man who would be well qualified for this position.

Sen. CLAVEAU: I would second the nomination of Mr. Petersen.

Sen. Downing moved that the nominations for the position of Assistant Clerk be closed and that the Clerk cast one ballot for Mr. Petersen.

Seconded by Sen. Blaisdell.

Motion carried unanimously.

Sen. TROWBRIDGE: Mr. President, I recognize that Sen. Bradley is not here today. He had a nomination for Doorkeeper. In deference to him, I would like to move that we hold over the election of Doorkeeper at this time.

Seconded by Sen. Jacobson.

Motion carried.

Sen. JACOBSON: I place in nomination the name of Milo Cheney to be Sergeant-at-Arms for the 1973 Session of the Legislature. He was our Sergeant-at-Arms in the '71 Session, and did a fine job, and I think that he merits renomination and reelection.

Sen. Provost seconded the nomination.

Sen. Downing moved that nominations be closed and the Clerk cast one ballot for Milo Cheney.

Seconded by Sen. Sanborn.

Motion carried.

The President administered the oath of office to Wilmont White, Clerk; Carl Petersen, Assistant Clerk; and Milo Cheney, Sergeant-at-Arms.

RESOLUTION

Sen. Porter offered the following Resolution:

Resolved, that the rules of the 1971 session be adopted as

the rules of the 1973 session and further that these rules may be changed by majority vote for the next four legislative days.

Seconded by Sen. S. Smith.

Resolution carried.

ANNOUNCEMENT BY THE CHAIR

As of yesterday, I believe, and probably still as of today, the proposed changes in the Senate Rules and the Joint Rules are on your desk, as recommended by the ad hoc committee on rules. These are for your consideration. They certainly are not dictatorial in intent or nature. We will, as indicated, prior to the eighteenth of January, vote on whether or not to adopt any or all of these proposed changes or reject any or all of them.

RESOLUTIONS

Sen. Spanos offered the following Resolution:

Now, Therefore, be it Resolved by the Senate, the House concurring;

That the joint rules of the 1971 session be adopted as the joint rules of the 1973 session of the General Court; provided however that said joint rules may be amended by a majority vote in each house at any time prior to January 18, 1973.

Resolution carried.

Sen. Trowbridge offered the following Resolution:

Resolved, That until otherwise ordered the Senate will meet at 1 p.m.

The President: I should say the only reason for that particular time being part of this Resolution is because, when we met in the past, a year or two years ago, it seemed to be the mutually agreeable time. We had in mind recommending to you a much more flexible system. Still, one o'clock is a target date, so to speak, and, as indicated last night, that means the possibility of not meeting at all on days when we have nothing but perfunctory things to do and meeting later or earlier, as the case may be, on other days. Now, each of you has to resolve whether or not he wants to aim at a rigid schedule in terms of starting time

or be more flexible. This is something we have got to resolve together.

The Resolution carried.

Sen. Jacobson offered the following Resolution:

Resolved, That the Secretary of State be requested to furnish the Senate with the official return of votes from the various Senatorial Districts.

Resolution carried.

Sen. S. Smith offered the following Resolution:

Resolved, That the returns from the several Senatorial Districts be referred to a select committee of three with instructions to examine and count the same and report to the Senate where any vacancies or contest exists and if so, in what Senatorial District.

Resolution carried.

The President: The members of that committee are: Majority Leader Fred Porter, Minority Leader Harry Spanos, and Assistant Majority Leader Roger Smith. In that connection, I would make the further announcement that Roger Smith has been appointed Assistant Majority Leader.

I will declare a one minute recess so that the committee so selected can examine the record tabulation and perform their duties and report accordingly.

The Senate recessed.

The Senate recalled to order.

The President: The Chair calls for the report of the committee to examine the returns from Chairman Frederick Porter.

The Honorable Robert L. Stark, Secretary of State, appeared and presented the return of votes for Senators from the various Senatorial Districts, as returned to the Secretary's office.

COMMITTEE REPORT

The select committee to whom was referred the various returns of votes for Senators from the several districts, having attended to their duties and having examined the returns made

to the Secretary of State and the records in the office of said Secretary, report that they find the state of the vote returned from the several districts as follows:

First District

Laurier Lamontagne, Berlin, d and r	12,006
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Second District

Andrew W. Poulsen, Littleton, r	10,977
Ronald E. Ranco, Conway, d	3,113
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Plurality for Poulsen	7,864

Third District

Stephen W. Smith, Plymouth, r and d	14,390
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Fourth District

Edith B. Gardner, Gilford, r	9,856
B. Donald Tabor, Laconia, d	3,971
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Plurality for Gardner	5,885

Fifth District

David Hammond Bradley, Hanover, r	7,533
Robert H. Guest, Hanover, d	6,403
	<hr/>
Plurality for Bradley	1,130

Sixth District

Richard P. Green, Rochester, r	6,592
Ronald J. Marcotte, Somersworth, d	6,484
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Plurality for Green	108

Seventh District

Alf E. Jacobson, New London, r	9,477
Margaret J. Kulacz, Franklin, d	3,495
	<hr/>
Plurality for Jacobson	5,982

Eighth District

Harry V. Spanos, Newport, d	7,148	
Sydney J. Clarke, Claremont, r	5,342	
	<hr/>	
Plurality for Spanos		1,806

Ninth District

David L. Nixon, New Boston, r	9,578	
Raymond R. Ducharme, Goffstown, d	4,205	
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Plurality for Nixon		5,373

Tenth District

Clesson J. Blaisdell, Keene, d	6,550	
Philip D. Moran, Keene, r	5,683	
	<hr/>	
Plurality for Blaisdell		867

Eleventh District

C. R. Trowbridge, Dublin, r	9,062	
Helen L. Bliss, New Ipswich, d	4,631	
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Plurality for Trowbridge		4,431

Twelfth District

Frederick A. Porter, Amherst, r	10,125	
Gustavi P. Santinelli, Milford, d	3,750	
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Plurality for Porter		6,375

Thirteenth District

John H. McLaughlin, Nashua, d	6,614	
Donald C. Davidson, Nashua, r	4,718	
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Plurality for McLaughlin		1,896

Fourteenth District

Thomas J. Claveau, Hudson, d	5,334	
Phyllis M. Keeney, Hudson, r	4,704	
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Plurality for Claveau		630

Fifteenth District

Roger A. Smith, Concord, r	7,463
Robert J. Harrison, Concord, r	3,900

Plurality for Smith	3,563
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Sixteenth District

Richard F. Ferdinando, Manchester, r	10,407
Murray Onigman, Manchester, d	4,237

Plurality for Ferdinando	6,170
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Seventeenth District

William E. Sanborn, Deerfield, r	7,522
Real R. Pinard, Manchester, d	5,244

Plurality for Sanborn	2,278
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Eighteenth District

Paul E. Provost, Manchester, d and r	10,524
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Nineteenth District

Ward B. Brown, Hampstead, r	8,179
Harvey C. Donovan, Derry, d	4,107

Plurality for Brown	4,072
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Twentieth District

Robert F. Bossie, Manchester, d and r	10,670
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Twenty-First District

Walworth Johnson, Dover, r	6,693
Ursula Bowring, Durham, d	4,661

Plurality for Johnson	2,032
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Twenty-Second District

Delbert F. Downing, Salem, d	7,084
Lewis F. Soule, Salem, r	6,324

Plurality for Downing	760
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Twenty-Third District

Robert F. Preston, Hampton, d	7,507
Richard F. Burnham, Exeter, r	6,991

Plurality for Preston	516
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Twenty-Fourth District

Eileen Foley, Portsmouth, d and r	9,754
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Sen. PORTER: Mr. President, we have examined the returns and have found them to be correct. I move that the report be accepted.

Sen. Claveau seconded the motion.

Motion carried.

Sen. Roger Smith offered the following Resolution:

Resolved, That the Clerk of the Senate be authorized to provide during the session two such newspapers printed within the State to the members and officers of the Senate as such members and officers may select.

Resolution carried.

Sen. Lamontagne offered the following Resolution:

Resolved, That the format of the Journal be established by the Journal Committee with the approval of the Senate.

Resolution carried.

Sen. Spanos offered the following Resolution:

Resolved, That in order to better provide technical and specialized information for committee use, the President is hereby authorized to appoint researchers and such other staff as in his discretion shall be needed and to establish, with the approval of the Finance Committee, for each individual per diem compensation for his work as an employee, provided he is not already an employee of the General Court. Upon request from a Committee Chairman to the President for the assignment of a staff member to research a specific area or problem, the President may in his discretion assign such staff to work for and report to the committee.

Explanation of Resolution by Sen. Spanos.

I didn't intend to speak on this Resolution. This is a Resolution which we adopted in the last session and it provides for the President to offer to us whatever research facilities we may need during the session including staffing and what have you, and in the final analysis the per diem compensation will be approved by the Finance Committee. It is merely something that we started some time ago in an attempt to elevate this body and make it a partner with the House across the way, and I think we should continue this tradition.

The Resolution carried.

HOUSE MESSAGE

The House has adopted the rules of the 1971 session as printed in the Black Book as the rules of the present session with the provision that amendments may be adopted by majority vote through January 18, 1973.

The House of Representatives has organized by the choice of: James E. O'Neil, Sr., as Speaker; J. Milton Street, as Clerk; William Damour, as Assistant Clerk; Theodore Aucella, as Sergeant-at-Arms; and Guy H. Lagroe, Percy W. McQuin and Augustine Faretra, as Doorkeepers.

Sen. Trowbridge moved that the Senate go back to the matter of electing a Doorkeeper.

Sen. Bradley seconded the motion.

Motion carried.

Sen. BRADLEY: With apologies for arriving late because of the road conditions, I would like to place into nomination the name of Willard Gowen, from the honest end of my District, the Town of Wentworth, as Doorkeeper. Mr. Gowen is a former Road Agent, and when I met him he appeared to be very well qualified for the job. He has close associations with our Sergeant-at-Arms, and I heartily urge his election to that post.

Sen. WARD BROWN: I would like to second the nomination of Willard Gowen for Doorkeeper.

Sen. S. SMITH: Mr. President, I would like to place into nomination the name of Paul Hatch, who served here last session, as an Attache to the Senate. He is presently a County Com-

missioner in Carroll County, and operates a movie theater, and he is a Selectman in the Town of Wolfeboro.

The President: Is there a second to the nomination? There being no second, the nomination fails.

Sen. DOWNING: I move that the nominations be closed and that the Clerk cast one ballot for the nominee, Willard Gowen.

Sen. Bossie seconded the motion.

The motion carried.

The President administered the oath of office to Mr. Gowen.

CHAPLAINS COMMITTEE

Senators Jacobson and Porter.

The Senate recessed.

Senate in session.

Sen. Spanos moved the Senate go into late session.

LATE SESSION

Sen. Spanos moved that we adjourn to meet next Tuesday at 1:00 P.M.

Adopted.

Tuesday, 9Jan73

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Chaplain, McKerley Medical Care Center, Concord, New Hampshire.

Almighty God, our Heavenly Father, we call upon Thee to pour Thy Blessing upon the people of this State; and especially Thy Servant Governor Thomson, — the Senate and all Rep-

representatives. May You inspire them with wisdom to perform their duties, with a strong sense of direction to carry forth the same in tranquility and with justice for all.

All of these things, Lord, we ask of Thee, day by day, as we meet together to further the best interest for our State, and for the Nation as a whole.

Pledge of Allegiance was led by Sen. Lamontagne.

The CHAIR announced that the first order of business would be the proposed revision of Senate Rules.

Sen. PORTER: I move the adoption of the rules before all of the members. The Rules have been reviewed by a special committee for some time. Other members of the Senate have been members of this Committee and at times, I may call upon them to explain some of the Rule changes. The new members have received copies of the Black Book which would give them copies of the old Rules. On the xeroxed sheets are the proposed changes for this year. I will go through these and summarize the changes.

Rules 1 through 8 — no change.

Rule 9 as is shown basically changes the word “biennium to session.”

Rule 9. A question which is postponed indefinitely shall not be acted upon during the same session except whenever two-thirds of the whole number of elected Senators shall, on division taken, vote in favor thereof. No motion to suspend this rule shall be permitted.

Rule 10 adds the words in italics.

Rule 10. Any member may call for a division of the question when the sense will admit it. *Unless otherwise specifically provided for, a majority of those present and voting shall be required to pass any vote.*

Rules 11 through 13 — no change.

Rule 14 takes into account the problem of bills being out of the Senate's possession when a member wishes to move reconsideration and also limits the notice of reconsideration time to be in concurrence with the House rules of the same nature.

And any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void.

Rule 14. No vote shall be reconsidered, unless the motion for reconsideration be made by a member who voted with the prevailing side, nor unless the notice of such motion be given to the Senate in open session prior to adjournment on the same day on which the vote was passed, or on the next day on which the Senate shall be in session within one half hour after the convening of the early session, *and any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void.*

Rules 15 and 16 — no change.

Rule 17 Adds when the bills are ready for distribution. This takes into account when bills are scheduled for hearing, but are not ready for distribution.

Rule 17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate shall be delivered or caused to be delivered to the Clerk by the person presenting them. During any adjournment, the President may receive bills and resolutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate, *printed and available for distribution*. The President shall take up all bills and resolutions for introduction at the early session.

Rules 18 and 19 — no change.

Rule 20 No change in the rule. However, it is suggested that the procedure be changed on the introduction of house bills with amendments clearly stating on the introduction where the amendment is printed in the house journal.

Rule 21. Provides that amendments which are made to the bill, including the Committee of Conference, must be germane to the contents of the bill.

Rule 21. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents thereon. *No amendment to any bill shall be proposed or allowed at any time or by any*

source, including a committee of conference except it be germane.

Rule 22. Provides a definition again. Instead of being two days, it provides for two legislative days so that the notice of hearing could take place on Thursday or Friday. Two legislative days. The section which was deleted will be in the Joint Rules to be followed later on.

Rule 22. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least two *legislative* days in the Journal of the Senate.

Rule 23. Provides that all the amendments will be printed in the Journal on the date that the report is listed for action.

Rule 23. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the calendar of the Journal on the date that the report is listed for action. All bills reported shall be laid upon the table and shall not be finally acted upon until the following legislative day, and a list of such bills with the report thereon shall be published in the Journal for the day on which *action shall be taken.*

Rule 24. No change. However, as part of this motion, this Rule is subject to change by majority vote within twelve legislative days.

No change in Rule 25.

Rule 26. The previous Rule said all Committees shall be appointed by the President. The new Rule changes will be effected by Rule 44, which provides that all Committees of the Senate, including Senate members on Committees of Conference, shall consist of members of the majority and minority Party as nearly as possible in the same proportion as the Parties are in the Senate as a whole, provided that on all Committees, one member shall be a member of the minority Party. The President shall appoint the majority members and the minority leader shall appoint the minority members.

Rule 26. All committees of the Senate, including senate

members on committees of conference, shall consist of members of the majority and minority party as nearly as possible in the same proportion as the parties are in the Senate as a whole, provided that on all committees, one member shall be a member of the minority party. The President shall appoint the majority members and the minority leader shall appoint the minority members.

Rule 27. I think that new Rule is self explanatory. This provides for the new number of members on the various Committees. There is one correction in the listing however. Number of members on the Judiciary Committee should be eight members instead of five members as listed on the sheet.

Rule 27. The standing committees of the Senate shall be as follows: Banks, Insurance and Claims — five members; Education — five members; Enrolled Bills — three members; Executive, Municipal and County Government — five members; Finance — eight members; Interstate Cooperation — three members; Journal — three members; Judiciary — eight members; Public Health, Welfare and State Institutions — five members; Public Works and Transportation — eight members; Recreation and Development — five members; Resources and Environmental Control — five members; Rules and Resolutions — three members, one member of which shall be the President; Ways and Means and Administrative Affairs — five members.

No changes in Rules 28, 29, 30, 31, 32, 33, 34 and 35.

Rule 36. This change was made in order to assure that Rule 44 can be workable.

Rule 36. The President or Vice-President when performing the duties of the Chair may, subject to the provisions of Rule 44, at any time name any member to perform the duties of the Chair.

No change in Rule 37 and Rule 38.

Rule 39. Will have another amendment suggested by Sen. Trowbridge at a later point. This provides that a sponsor may request a bill to be brought out of Committee after twelve legislative days.

Rule 39. The committees shall promptly consider and re-

port on all matters referred to them. The President may authorize such committees having a heavy load of investigation, re-drafting, research or amendments to meet as needed on non-legislative days during the legislative session. *After a bill has been in committee for 12 legislative days the sponsor of said bill may have the privilege of having the bill reported out by the committee within three legislative days after his request.*

Rules 40 and 41, no change.

Rule 42 changes slightly the conflict of interest and the wording is changed to read that no member shall vote on any matter that he is specifically interested in.

Rule 42. No member shall vote on any question in which he is directly interested; nor shall he be required in any case where he was not present when the question was put; nor sit upon any committee when he is directly interested in the question under consideration. In case of such interest of a member of a committee, the fact shall be reported to the Senate and another person may be substituted on that question in his place.

Rule 43 again adds notices of footnotes, etc. There will also be a slight amendment proposed by Sen. Trowbridge; to clarify some of the language relative to footnotes and amendments.

Rule 43. Action on the floor of the report of a committee of conference on either the general appropriation bill, or the capital improvement bill, shall not be taken up by the Senate, until said report has been delivered to the members twenty-four hours in advance, in written form. *Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills) are prohibited and shall not be allowed under any circumstances.*

Rule 44, which is a new rule. It provides that the Senate shall elect a Vice-President who shall have such duties as may be assigned by the President; and who shall have all the rights, powers, duties and responsibilities of the President in the event of the absence, disability, resignation or death of the President, so far as permitted by law. There has been a great deal of work

put into the efforts of this Committee. I have not been a member and have just recently been able to review all of these changes. I believe them to be workable and urge their adoption.

New rule: Rule 44. The Senate shall elect a Vice-President who shall have such duties as may be assigned by the President; and who shall have all the rights, powers, duties and responsibilities of the President in the event of the absence, disability, resignation or death of the President, so far as permitted by law.

Question: On adoption of motion made by Sen. Porter.

Motion carried and the Rules as amended were adopted.

Sen. Trowbridge offered an amendment to Rule 39 and spoke in support of same.

(Discussion)

Sen. Downing spoke against the amendment.

Sen. S. Smith spoke in favor.

Sen. Jacobson spoke in opposition.

The Chair declared a brief Recess.

(Recess)

The Senate in regular session.

Sen. TROWBRIDGE: In order to show that I have an open mind, I would like to say that Sen. Downing has convinced me, and I agree with him entirely. I wish to withdraw my amendment.

Sen. Trowbridge offered the following amendment to Rule 43 and spoke in support:

Rule 43 Action on the floor of the report of a committee of conference on either the general appropriation bill, or the capital improvement bill, shall not be taken up by the Senate, until said report has been delivered to the members twenty-four hours in advance, in written form. Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

Sen. JACOBSON: I would like to rise in full support of the above amendment.

Amendment adopted.

Sen. Jacobson offered an amendment to Rule 39 and spoke in support.

(Discussion)

Sen. Downing spoke in opposition.

The Chair requested a Division vote. Negative prevailed and amendment was not adopted.

Sen. Bradley offered an amendment to Rule 39 and spoke in support.

Sen. Downing spoke in opposition.

Sen. Bradley withdrew the amendment.

The CHAIR: The Rules are adopted, subject to change if they do not work out. These will be the Rules under which we will operate.

The Chair called for nominations for Vice-President of the New Hampshire Senate.

Sen. DOWNING: I place in nomination the name of Sen. Harry V. Spanos as Vice-President of the Senate. I would like to allude back to some of the words of the President in his acceptance speech. We are in a state of coalition. We recognize that the lines of Republicans and Democrats are not drawn except within a few issues. I compliment the President and all members of the Majority Party for their courage and vision. The election of Sen. Spanos as Vice President would make these expressions a reality and I urge your support.

Nomination seconded by Sen. Provost.

Sen. PRESTON: I would move that the nominations be closed and the Clerk be instructed to cast one ballot for Sen. Spanos as Vice-President of the Senate, and that the vote be by standing vote.

The CHAIR: The vote is 23 to 1. Sen. Spanos is the Vice-President of the New Hampshire Senate. The Chair would request that Sens. Porter and Foley escort Sen. Spanos to the rostrum.

Sen. Spanos was sworn in as Vice-President of the Senate by Senate President Nixon.

Sen. SPANOS: I don't intend to make any speeches. Thank you very, very deeply from the bottom of my heart for this great honor.

The CHAIR: At the request of Sen. Spanos, I appoint Sen. Foley as Minority Leader.

Sen. FOLEY: At this time, I would appoint Sen. Bossie as Assistant Minority Leader.

The CHAIR: At this time, I am going to read to you my Committee appointments and explain as I go along. For the record, as I previously indicated on the night that I was elected, Sen. Ferdinando will serve as Chairman of the Committee on Banks, Insurance and Claims. Sen. Jacobson will serve as Chairman of Executive Depts. At the request of Sen. Brown, who asked me to name his choice to the Finance Committee, I have done so in naming Sen. Sanborn to that Committee. Four of the ten major Committee Chairmen are members of the Democratic Party. Some Committees have been reduced. Public Works and Judiciary have been increased to eight. As you well know, I have called all of you individually in an attempt to be fair. There are some changes that have not been discussed with anybody because of last minute preparation. If anybody has a bone to pick, the door is not closed to changes. I will listen to anybody if they find somebody to change places with them. In the meantime, this is the structure under which we will operate.

Banks, Insurance and Claims: Enrolled Bills:

Chairman: Sen. Ferdinando

Vice-Chairman:

Sen. McLaughlin

Sen. Bossie

Sen. Johnson

Sen. Poulsen

Education:

Chairman: Sen. S. Smith

Vice-Chairman: Sen. Green

Sen. Bossie

Sen. Downing

Sen. Johnson

Chairman: Sen. R. Smith

Vice-Chairman:

Sen. Gardner

Sen. Provost

Exec. Depts., Mun. & Co. Gov.:

Chairman: Sen. Jacobson

Vice-Chairman:

Sen. Johnson

Sen. Blaisdell

Sen. Poulsen

Sen. Preston

Finance:

Chairman: Sen. Trowbridge

Vice-Chairman:

Sen. R. Smith

Sen. Foley

Sen. Green

Sen. Provost

Sen. Sanborn

Sen. S. Smith

Sen. Spanos

Interstate Cooperation:

Chairman: Sen. S. Smith

Vice-Chairman: Sen. Foley

Sen. Jacobson

Journal:

Chairman: Sen. Green

Vice-Chairman:

Sen. R. Smith

Sen. Spanos

Judiciary:

Chairman: Sen. Bradley

Vice-Chairman:

Sen. Bossie

Sen. Claveau

Sen. Gardner

Sen. Jacobson

Sen. Lamontagne

Sen. Porter

Sen. S. Smith

Pub. Hlth., Wel., & St. Ins.:

Chairman: Sen. Preston

Vice-Chairman:

Sen. Gardner

Sen. Jacobson

Sen. McLaughlin

Sen. Sanborn

Public Works & Trans.:

Chairman: Sen. Claveau

Vice-Chairman: Sen. Poulsen

Sen. Downing

Sen. Ferdinando

Sen. Lamontagne

Sen. McLaughlin

Sen. Sanborn

Sen. R. Smith

Recreation & Development:

Chairman: Sen. Blaisdell

Vice-Chairman: Sen. Preston

Sen. Bradley

Sen. Brown

Sen. Gardner

Resources & Environmental
Control:

Chairman: Sen. Porter

Vice-Chairman: Sen. Foley

Sen. Bradley

Sen. Brown

Sen. Claveau

Rules & Resolutions:

Chairman: Sen. Nixon

Vice-Chairman: Sen. Porter

Sen. Spanos

Ways & Means and Adm. Affs.:

Chairman: Sen. Downing

Vice-Chairman: Sen. Brown

Sen. Blaisdell

Sen. Green

Sen. Lamontagne

INTRODUCTION OF SENATE BILLS

First & second reading & referral

SB 2, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption

from real estate taxes for persons seventy years of age or older, under certain circumstances. (Nixon of Dist. 9 — To Ways and Means and Administrative Affairs.)

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law. (Lamontagne of Dist. 1; Poulsen of Dist. 2 — To Resources and Environmental Control.)

Sen. LAMONTAGNE: I would move to suspend holding of public hearing on the above bill and place this bill on third reading and final passage at the present time. It is most urgent for this bill to be passed immediately. I have talked with Mrs. Teague and she has told me of the emergency in order for her to purchase new equipment needed. I have talked this matter over with Rep. Greene in the House. There is a similar bill in the House. If this bill could be passed at this time, it would give Mrs. Teague the time needed to get this new equipment. The bill really exempts from the air pollution control law, Clark's Trading Post and the Cog Railway. These are attractions to encourage people to come to New Hampshire during the summer months. These are attractions that have been worth a great deal to the whole State of New Hampshire. Many people profit by it. The little bit of smoke that these cause are not going to hurt the State at all.

Sen. DOWNING: You realize that I, and I assume other members of this body, have never even read this bill?

Sen. LAMONTAGNE: I am sure this is nothing new. It has been highly advertised in all the newspapers. I have not heard of anyone opposing my bill.

Sen. DOWNING: Some Senators have never even read the bill.

Sen. LAMONTAGNE: I think that the Senator has a fair question and I have no opposition. Certainly, I would like to make it a Special Order of Business for 11:01 tomorrow in order that I may prepare copies of the bill for all Senators.

Motion carried.

SB 4, providing for the state to contribute a proportionate share of the expenses incurred by cities and towns relative to action imposed by water supply and pollution control; and mak-

ing an appropriation therefor. (Lamontagne of Dist. 1 — To Resources and Environmental Control.)

SB 5, to provide recognition of the war service of residents of this state who served in the armed forces of the United States during the Vietnam conflict; and making an appropriation therefor. (Lamontagne of Dist. 1 — To Ways and Means and Administrative Affairs.)

SB 6, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the State of New Hampshire. (Lamontagne of Dist. 1; Sanborn of Dist. 7 — To Ways and Means and Administrative Affairs.)

SB 7, abolishing appeals in criminal cases to the superior court from district and municipal courts. (Nixon of Dist. 9 — To Judiciary.)

SB 8, relative to limiting grand jury proceedings except in unusual circumstances. (Nixon of Dist. 9 — To Judiciary.)

SB 9, increasing the penalties for the commission of armed crimes. (Nixon of Dist. 9 — To Judiciary.)

SB 10, relative to the crime of assassination or attempted assassination of a candidate. (Nixon of Dist. 9 — To Judiciary.)

SB 11, providing for annual summary fiscal reports. (Nixon of Dist. 9 — To Executive Departments, Municipal and County Governments.)

SB 12, adding a third verse to the New Hampshire state song. (Nixon of Dist. 9 — To Executive Departments, Municipal and County Governments.)

SB 13, increasing sick leave benefits for certain fish and game employees. (Gardner of Dist. 4 — To Ways and Means and Administrative Affairs.)

SB 14, establishing of legislative ethics. (Nixon of Dist. 9; Bossie of Dist. 20 — To Judiciary.)

SB 15, relative to a statewide curfew of ten o'clock P.M. (Lamontagne of Dist. 1 — To Judiciary.)

SB 16, prohibiting a split deer hunting season. (Lamontagne of Dist. 1 — To Recreation and Development.)

SB 17, relative to the allowable width and length of certain

vehicles. (Lamontagne of Dist. 1 — To Public Works and Transportation.)

SB 18, requiring reflectorized number plates on motor vehicles. (Sanborn of Dist. 17 — To Public Works and Transportation.)

SB 19, to further protect the citizens of New Hampshire from unfair and discriminatory practices. (Nixon of Dist. 9 — To Judiciary.)

CACR 5, Relating to: Appropriations for State Agencies. Providing That: A two-thirds vote of each house shall be required to approve a biennial appropriation for any agency which exceeds by more than ten percent the appropriation for the preceding biennium. (Nixon of Dist. 9 — To Judiciary.)

CACR 7, Relating to: The Number of Jurors Required in All Jury Cases in the Superior Court and the Kind of Verdicts Required to Prevail. Providing That: At the Superior Court Level, Jury Verdicts shall in Criminal Cases Require a Unanimous Verdict and in Civil Cases, a Nine to Twelve Verdict. (Nixon of Dist. 9 — To Judiciary.)

HOUSE MESSAGE

HCR 2, Inviting Chief Justice Kenison to address a Joint Convention on the state of the Judiciary.

On motion of Sen. Lamontagne, the Senate voted to concur.

HCR 4, To authorize the responsible officers of the General Court to pay employees and attaches who worked from Dec. 27, 1972 to Jan. 2, 1973.

On motion of Sen. S. Smith, the Senate voted to concur.

ANNOUNCEMENTS BY THE CHAIR

Wayne C. Beyer has been appointed for the Legislative session. Two Senate aides, James White of Pelham, a Democrat, and David Lauren of Henniker, a Republican. Paula Minor, Telephone Messenger, Willard Gowen as Doorkeeper.

I still have in mind the holding of a Senate session in each of the cities and towns represented here. Arrangements will have to be made with Town Clerks, Mayors, etc. to find a place

and time. We hope to have a schedule set up by next month. I would like your thoughts and suggestions along these lines.

Sen. Spanos moved the rules be so far suspended as to permit the business in order for the late session to be made the business in order at the present time and that when we adjourn we adjourn until tomorrow at 1 o'clock.

Motion carried.

LATE SESSION

On motion of Sen. Provost, the Senate adjourned at 2:30 p.m.

Wednesday, 10Jan73

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by The Rev. Vincent Fischer, Chaplain, McKerley Medical Care Center, Concord, New Hampshire.

O God, the strength of all Those who put their trust in Thee, grant unto us, who are working to fulfill our elected offices, The faith to carry forth the confidence which has been placed upon us, by those who feel we have the stamina to do our best, for the progress of this State.

O Lord, help us to perform the Same! Amen.

Pledge of Allegiance led by Sen. Poulsen.

INTRODUCTION OF SENATE BILLS

First & second reading & referral

SB 20, providing that motor vehicle liability coverage may not be reduced because of lack of cooperation of the insured. (Nixon of Dist. 9 — To Judiciary.)

SB 21, relative to imposing some limitation on the doctrine of sovereign immunity. (Nixon of Dist. 9 — To Judiciary.)

SB 22, to require notice to heirs and heirs-at-law in all cases where an estate is solvent and to provide to an interested party a right to demand a jury trial in superior court in contested probate cases any time before the first witness is sworn in a probate court proceeding. (Nixon of Dist. 9 — To Judiciary.)

SB 23, to provide a procedure for the examination of an alleged incompetent and if confirmed so to be, for the appointment of his or her guardian. (Nixon of Dist. 9 — To Judiciary.)

SB 24, relative to securing loads of wood products on motor vehicles. (Lamontagne of Dist. 1; Bradley of Dist. 5 — To Public Works and Transportation.)

SB 25, providing for the freezing of real property taxes on residential property of certain elderly persons. (Nixon of Dist. 9 — To Ways and Means and Administrative Affairs.)

The CHAIR: The Chair will declare a two minute recess, following which we will take up the Special Order, being consideration of motion relative to SB 3, requested yesterday by Sen. Lamontagne.

RECESS

The Senate in regular session.

The President called for the Special Order of Business at 1:01.

Being consideration of motion of Sen. Lamontagne to suspend the rules and place the following bill on third reading and final passage at the present time:

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

Sen. LAMONTAGNE: The main reason that I have asked for the suspension of rules is only because it is most urgent for Mrs. Teague to purchase new equipment. This equipment should have been purchased three months ago. This bill, I am sure is not new to anyone. It has been well publicized and I have received many, many letters favorable to this proposed SB 3. At the same time, I would say for the record that I have not even received one who has said that they are in opposition. I have 78 commitments in the House who favor this bill. Therefore, right now I know my motion to suspend the rules is not

unusual really because it has happened before where we have asked to suspend the rules in order to send a bill of great importance along, as long as it did not have any opposition. I do not see anyone in opposition to this bill, including the Air Pollution Commission; including Mr. Bumford. Therefore, because of this emergency of new equipment needed, I urge you to vote today to suspend the rules and place it on third reading and send to the House. I would appreciate your support.

Sen. POULSEN: I support the motion. As Sen. Lamontagne has said, in this particular instance it only refers to the Cog Railway. Others may come under it later on. I would urge your vote on this motion.

Sen. PORTER: I rise in opposition to the motion; although I have no opposition to the bill as I have just read it. The Rules as passed by this body yesterday indicate that all bills shall be received in proper manner and be handled in a proper manner. I would hope that this bill might be sent to Committee. We will expedite action on this bill and there will only be one to three Legislative days. I urge the Senate to defeat the motion.

Sen. FERDINANDO: Am I to understand that you have no opposition to this bill?

Sen. PORTER: I have no opposition at the present time. But I do believe that in the case of any bills, we should have a proper handling.

Sen. FERDINANDO: If this be the case, would it not seem like a logical way to help those Senators interested in the Cog Railway, to help them to purchase this equipment? Unless you have opposition, I believe the Senators should have this.

Sen. LAMONTAGNE: Sen. Porter, are you telling me today that you will never favor the suspension of the rules for any bill during this session?

Sen. PORTER: Absolutely not. I am not saying that.

Sen. LAMONTAGNE: Are you the Majority leader of this Party?

Sen. PORTER: I am.

Sen. LAMONTAGNE: Are you aware that the Governor is most anxious to have this bill passed? Have you met with him?

Sen. PORTER: I have not. What is the new equipment that it needs to be purchased and is being held up?

Sen. LAMONTAGNE: I don't know. Mrs. Teague told me that they had new equipment that they must purchase. She is now in Philadelphia, but I am sure her attorney, Jack Middleton in Manchester can give you this information.

Sen. GARDNER: I have had many in my area contact me in reference to the situation. It is one of the most popular attractions in the State and I feel that Mrs. Teague has operated under very adverse conditions and I think we should support her in making it as easy as we could to keep this in operation.

Sen. BOSSIE: I generally would be opposed to suspending the rules not to permit a Committee to study the matter. Notwithstanding this for the future, I do think this bill should be passed for several reasons. The Cog Railway, which is the principal recipient of any benefits stemming from this bill, is an antiquity that must be preserved for the State of New Hampshire as well as for all of our tourists. So I think with this in mind, they should be permitted, subject to any federal requirements in pollution, to go forth with their plans. I do hope, and I do ask Sen. Lamontagne to consider this in the future when I have bills with regard to the city of Manchester. We have bought some antique buildings along the Merrimack River. It consists mostly of mills and these mills are some of the greatest polluters in the State of New Hampshire. Notwithstanding this problem, we do want to preserve our industry and we do want to preserve the actual buildings. So, with this in mind, and I would like to point out that I believe the reason Sen. Lamontagne has not received any opposition is not due to no opposition, but due to the fact that the bill has not been published and very few people have seen it. I do believe in the bill and will vote for the motion today.

Sen. SPANOS: I would like to inquire of Sen. Lamontagne, if the State of New Hampshire were to pass this measure and waive the provisions of our Air Pollution Control laws, is it not a fact that the owners of the Cog Railway would still have to secure approval of the federal regulations? Isn't that another step?

Sen. LAMONTAGNE: I would say that if the General Court were to vote for this bill, they would be exempt. Whatever

the federal government would do in the future, I don't know. Vermont has a similar law which has been passed and there has been no questions whatsoever. There are other people involved than the Cog Railway. There is Clark's Trading Post and one other in the area of, I believe, Ossipee. These people will also come under this bill. In answer to your question, I would say that by adopting this bill, they would be exempt from having the New Hampshire Air Pollution Commission jumping down the backs of these people who are encouraging people to come to New Hampshire.

Sen. BRADLEY: I would like to inquire as the words "located entirely." Would you have any objection to having this applied to Steam Town trains which are located in Vermont?

Sen. LAMONTAGNE: I had this bill drafted by people who are in this field. I feel your people could come to New Hampshire and we would not have to ask for another exemption by the General Court.

Sen. BRADLEY: Would you object to the words "located entirely" being omitted and say "within the State?"

Sen. LAMONTAGNE: I have no objection.

Sen. PORTER: When Sen. Brown and I were discussing this earlier, I had understood that it would include Clark's Trading Post and now I find that there are two others.

Sen. LAMONTAGNE: Clark's Trading Post is burning wood. The important one is the Cog Railway. They were the only one that received this notice.

Sen. PORTER: Would you think that it might be modified to exempt just the Cog Railway?

Sen. LAMONTAGNE: No. I would not. I am interested in the good interests of the tourist people who come here to New Hampshire. They don't come to see only the Cog Railway. They come to see the bears at Clark's Trading Post. And to other areas of New Hampshire. In fact, I would like to see more of these tourist people come to New Hampshire. New Hampshire needs it.

Sen. PORTER: Do you remember the article on September 19th in the Union Leader, when the general manager, Mr. Dunn, said that a new engine had been built at the Cog Rail-

way, and that it, too, would fail the needs of the Pollution Commission? What would you feel would be the proper step to meet the requirements other than saying exemption? Do you see any other way to make an engine that would meet the existing standards?

Sen. LAMONTAGNE: I have been told by Mrs. Teague's attorney that they have been working to try and make some suggestions. The coal that they were using was a very poor grade of coal. They are now making arrangements to procure a better grade of coal. I think we should leave the Cog Railway alone. In order to stop the little air pollution that they are doing in that area. There are only a few small towns nearby and no towns are in opposition to this. The people want them to stay. The only way to stop this will be to close the doors and I don't think we should do that.

Sen. PORTER: I would like to inquire as to what assurance you have from the House as to whether they are going to suspend the rules on this project?

Sen. LAMONTAGNE: I have talked with Mrs. Greene in the House who has a similar bill in the House. I am sure that under her leadership and also former Sen. Chandler — with their leadership, I am sure that there will be no opposition in the House.

Sen. TROWBRIDGE: If we here in the Senate take the time to have a hearing and make sure that all testimony is heard, would it then not be better for the House to suspend to have a public hearing? I am not sure but that would be the normal way to do it.

Sen. LAMONTAGNE: No. I believe we all have enough trust in the House. If there was to be any opposition, it would be from the Air Pollution Commission. They have no opposition. I have never seen the time when suspension of the rules was not done. I hope you will vote on this bill today.

Sen. S. SMITH: Sen. Spanos made a comment, if this bill passes and it really does not take effect until hearings are held relative to the amendment to the law of the Air Pollution Commission. Would it not be faster for the Air Pollution Commission to grant a variance of one year on this bill?

Sen. LAMONTAGNE: I am sure if there could have been a

variance of one year, this would have been done. But we cannot expect the Cog Railway to go ahead and purchase new equipment and only be able to stay in business for one year. I don't know if you people are familiar with the actions of the Air Pollution Commission. Some of this action today is only because some people are reading the papers about conditions in California. You cannot compare California air with New Hampshire air. Our air here in New Hampshire is a million times better than it is in California. To make this comparison does not make sense. (reads from morning paper)

At Clark's Trading Post they are only burning wood and make no more smoke than a fireplace at home. The Governor of our State, if it were possible, he could do it by executive order, but he can't. It has to be done by law. I am not asking for anything impossible and am not asking for anything that has not been done before. Please vote on this bill today.

Sen. CLAVEAU: Sen. Porter, did you say that a public hearing could be arranged with the House for a Joint hearing?

Sen. PORTER: I certainly could. I will try.

Sen. POULSEN: I only want to say that we are only asking here for a little courtesy which will act, in my own opinion, as a vote of confidence which is important not only to these people, but to the State of New Hampshire.

Sen. PORTER: Could the Air Pollution Commission provide a variance of time for one year?

Sen. LAMONTAGNE: I honestly don't know, but even if there was a variance, this would not help if it were only for a year.

Sen. TROWBRIDGE: Sen. Poulsen I quite agree with you that a vote of confidence is needed. I was trying to think about a Joint hearing of House and Senate the first of next week. I think at the beginning of the session we should follow our rules as far as we can. Do you agree with this?

Sen. POULSEN: I agree with the principle. I think if the Senate passes this now and then held a Joint hearing in there.

Question on the motion to suspend Rule 33 to permit introduction and consideration of SB 3.

Sen. Lamontagne demanded a Roll Call. Seconded by Sen. Gardner.

The Clerk called the Roll.

The following Senators voted in the affirmative: Lamontagne, Poulsen, Gardner, Green, Jacobson, Blaisdell, McLaughlin, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

The following Senators voted in the negative: S. Smith, Bradley, Spanos, Trowbridge, Porter, Claveau and R. Smith.

Sixteen having voted in the affirmative and seven having voted in the negative, the motion was adopted.

The CHAIR: The bill is on second reading and open to amendment.

Sen. BRADLEY: I move to amend the bill by removing "located entirely." The simple purpose is that I believe there is at least one railroad operating in New Hampshire who might come into or go through New Hampshire. I don't see the reason to limit this only to those located entirely in the State of New Hampshire.

Sen. Bradley requested a recess to prepare amendment in writing.

RECESS

OUT OF RECESS

Sen. BRADLEY: I wish to withdraw the amendment. I would simply like to explain that by doing this I am assured by the person who drafted this bill. In view of that, I see no purpose in tinkering with the bill.

Sen. LAMONTAGNE: I would also add to the remarks of Sen. Bradley that I have been assured that what he has requested has been included in the bill as drafted.

On third reading of the bill, Sen. S. Smith demanded a Roll Call. Seconded by Sen. Porter.

The Clerk called the Roll.

The following Senators voted in the affirmative: Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson,

Spanos, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

No vote in the negative.

Twenty-three Senators having voted in the affirmative, and no Senator having voted in the negative, motion unanimously of those voting carried. Bill ordered to third reading.

The Chair recognized Sen. Trowbridge: I would announce the appointment of members of the Fiscal Committee: Sen. Trowbridge, Sen. R. Smith and Sen. Provost.

Sen. FERDINANDO: Personal privilege. I was very concerned with the 16 to 8 vote we had here today. I think that many of us here are going to find out as the session goes on that we are all going to have bills and many of us will be asking for Senatorial courtesy. I think we are off to a shaky start here. I would hope that we might be in a better mood to allow these things to happen a little easier.

Sen. DOWNING: I would like to inquire about the Joint Rules, what progress is being made on them and when may we expect they will be given to us?

The CHAIR: That's a good question and one which I have not given sufficient thought. As you know, by our action in adopting the Rules of last session, we have until the 18th.

Sen. DOWNING: The reason for my concern is that there were many date changes, for submission of bills, etc.

The CHAIR: Following that line of thought, I would request the members of the Rules Committee to meet as soon as possible with the appropriate Committee of the House.

Sen. DOWNING: Relative to the motion adopted by this body to furnish each member of the Senate with two newspapers. My experience in the past has been that these newspapers were only provided while we are in session. Is that to be continued? I feel it is important that this be done during the full Senate term, also. If they are important during the session, they certainly are important during the interim.

The CHAIR: I had not given it any thought. That might be a good suggestion. I appoint the Vice-President, the Majority

and Minority leaders to meet and resolve what should be done. Meet today, please.

Sen. SPANOS: Mr. President, on a point of personal privilege:

I am somewhat disturbed as to the previous remarks of Sen. Ferdinando relative to the votes on Senate Bill 3. I am a firm believer in "senatorial courtesy" but not at the expense of good legislation.

The fact that the sponsor was unable to answer some of the questions that were posed during the debate and the fact at least one amendment was offered indicates to me the desirability of a hearing on the bill.

I voted not to suspend the rules because I felt there was a need for a further input in arriving at our decision. When the motion to suspend the rules was adopted by this body, and the bill was placed on second reading, I supported the bill as I do not want to be accused of favoring the demise of the Cog Railway.

I also want to assure Sen. Ferdinando and all others in this chamber that, if I ever ask for suspension of the rules to avoid printing, public hearing, etc., and I invoke senatorial courtesy in my plea for passage, my bill will be properly drafted and will be legislation that I can propose without reservation. Also, I will state here and now that I will oppose any measure on the basis of senatorial courtesy if I feel that that legislation is not in the best interests of the people of the state.

Sen. JACOBSON: Parliamentary inquiry. I notice from the text of yesterday's Journal that a number of the speeches and questions were eliminated therefrom. Is that the policy that we are not going to have the remarks?

The CHAIR: Absolutely not. I have not seen the Journal, but the Journal will show the remarks made during the session. Everything said by every Senator will be published in its entirety. I personally apologize for it and it will not occur again.

ANNOUNCEMENTS

The CHAIR: Sen. Preston has requested that he be made a member of the Senate Committee on Public Health, Welfare &

State Institutions and accordingly, the Chair accedes to his wish and appoints Sen. McLaughlin, on recommendation of the Vice President, as Chairman of that Committee.

I plan, subject to your thoughts, to have our next meeting next Tuesday at 2 p.m. In line with the previously stated policy of flexibility with respect to meeting times and dates, in order that all of you, including myself, may make some sort of a living for the next six months if at all. 2 o'clock next Tuesday unless somebody has a stringent objection with merit at this time.

Finally, I wish, on behalf of all of you, to thank Sen. Trowbridge for the "Old Farmers' Almanac" and hope that it is accurate in stating weather conditions.

Sen. Spanos moved the rules be so far suspended as to permit the business in order for the late session to be made the business in order at the present time, that a bill be read by title only, and that when we adjourn, we adjourn to meet next Tuesday at 2 p.m.

Motion carried.

LATE SESSION

Third reading and final passage

SB 3, relative to exempting steam locomotives and engines from the provisions of the Air Pollution Control law.

On motion of Sen. Poulsen, the Senate refused to reconsider action on above bill.

On motion of Sen. Provost, the Senate adjourned at 2 p.m.

Tuesday, 16Jan73

The Senate met at 2 o'clock.

A quorum was present.

Prayer was offered by The Rev. Dr. Vincent Fischer, Chaplain, McKerley Medical Care Center, Concord, New Hampshire.

Oh God, Let Your mighty wisdom arouse our intelligence, that we may go forth and make this 1973 Senate one of outstanding accomplishments.

Help us to keep closer to each other, to talk more freely to each other, and to gain knowledge from each other.

All these things we ask in Thy Name, for Thy people.

Amen.

Pledge of Allegiance led by Sen. Stephen Smith.

INTRODUCTION ON SENATE BILLS

First & second reading & referral

SB 26, relative to purchasing procedures by the University of New Hampshire. (Ferdinando of Dist. 16 — To Executive Departments, Municipal and County Governments.)

SB 27, relative to straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries. (Nixon of Dist. 9; Green of Dist. 6; Lamontagne of Dist. 1 — To Judiciary.)

SB 28, relative to a bill of rights for mobile home park tenants. (Nixon of Dist. 9 — To Judiciary.)

SB 29, to authorize the director of fish and game to open hunting and fishing season to residents other than during the regular season. (Downing of Dist. 22 — To Recreation and Development.)

SB 30, requiring the separate listing of homestead residence property. (Downing of Dist. 22 — To Ways and Means and Administrative Affairs.)

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire (Lamontagne of Dist. 1; Sanborn of Dist. 7; Downing of Dist. 22 — To Ways and Means and Administrative Affairs.)

SJR 1, establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences relative to pollution of land, water, and air; the economic, social and educational prob-

lems associated with this growth; and making an appropriation therefor. (Foley of Dist. 24 — To Resources and Environmental Control.)

ANNOUNCEMENTS

The CHAIR: Personal privilege, Sen. Spanos you are recognized.

Mr. President — on personal privilege.

If I may, sir, I would like to take this opportunity to report a human event which deserves recognition and our commendation.

As you all know, the city of Managua, Nicaragua was recently visited by a severe earthquake which demolished that city and which took indiscriminately the lives of thousands of helpless human beings. All of us watched the horror and the pain of those people and we sympathized with them. But, as stoic adults, immersed in our own daily needs, our only response was silent compassion.

However, in a small Sullivan County community, that history knows as Old Fort No. 4 and the home of the 1972 American League rookie-of-the-year, the Charlestown Elementary School Student Council tendered more than silent compassion. There the young children designated the week of Jan. 12-Jan. 19 as "WE CARE WEEK PLUS 1" to raise money to send to the Managua Earthquake Fund. Among other events, they have scheduled a double-header basketball game, a dance and a bake sale.

I think you will be genuinely impressed with what they had to say about their project: "I like getting involved with activities. I don't think enough people get involved who should." "I know they need help and the school should do something about it." "I just like to help people." "It makes me sick to see people who don't look like they have anything to live for." "If we care for them, I know they would care for us if something bad ever happened here."

These sentiments, expressed by a bubbling and concerned youth, clearly demonstrate that this new generation of Americans understand the universality of man far more than any past generation. They care about their fellow man whether he be in

Managua, Nicaragua or Walpole, New Hampshire for they see us all as neighbors living on the same earth with the same hopes and the same aspirations.

This sensitivity and understanding augurs well for the future of this state, country and this planet. We elders can take a lesson from them.

I am most proud that this tiny spark of decency and of love, this act of human kindness, emanates from a small community which is a part of the District I am honored to represent.

The CHAIR: Are there any other announcements? Sen. Porter.

Sen. PORTER: Mr. President, I would like to announce to the joint rules made at the last session, I have been attempting to arrange a meeting between members of the Senate & House Rules Committee, I hope will be set up today or tomorrow and we will work out our joint rules. I would like to alert the members that, conceivably, they may not be ready to meet so that we can pass on joint rules by the 18th but we will try.

The CHAIR: Thank you Sen. Porter. I would like to say that I have asked Sen. Downing of the ad hoc committee to make his wishes known and I believe that Sen. Trowbridge has the recommendation.

Sen. PORTER: The committee has already received these recommendations.

The CHAIR: Further announcements? I have a couple. The committee chairman subject to the wishes of the body as a whole and the chairman particularly regarding scheduling of the hearings, I would like to suggest that we not meet again Thursday of this week and possibly not Thursday of next week. One difficulty we run into in that regard is that you know we adopted a Senate Rule to require a notice in the Journal on two legislative days as when they will be heard. But I would suggest in that regard that you would schedule the first hearings for next Tuesday and notify the girls who will be in the hearing rooms to the extent that they are staffed following this session adjourned today so that they can learn the process and do the process of scheduling hearings and making sure that they are in the journals with the assistance of the Clerk and the Assistant

Clerk. So unless there be objections we will not meet Thursday of this week, we will meet tomorrow and Tuesday of next week.

Sen. LAMONTAGNE: Mr. President and members of the Senate, there is a bill of great importance and it is really urgent to get the bill passed before the third of February. This bill is sponsored by myself and the Senator from the 5th district Sen. Bradley, and has reference to using cables instead of $\frac{3}{8}$ chains for hauling lumber and the reason why it is urgent to try to get the passage is so that we can get it signed by the Governor by February third is because there are cases pending and if this bill is not passed some people who have been using these cables instead of a $\frac{3}{8}$ chain which I had introduced back 16 years ago is really creating some hardship for these people and it should be passed as soon as possible and I was hoping we would have a hearing in the Transportation Committee on Thursday. It has to have two readings and it would be tomorrow and Thursday.

Sen. TROWBRIDGE: Mr. President what is the clarification of the rule on two legislative days? I think maybe we are making life a little more difficult than it is. If I am correct, am I correct, that if someone scheduled on Wednesday, tomorrow, hearings for the following Tuesday, it appears in the Journal of Wednesday there is no meeting Thursday. It also appears on the calendar on Tuesday and that on the House Rules would be two legislative notices. In other words you count the day of the hearing so it is not as difficult as we are perhaps making it. Am I correct?

The CHAIR: I so rule.

The CHAIR: Inquiry recognized.

Sen. DOWNING: To the Chairman who wished to schedule hearings on Thursday, would the Chair authorize the payment of legislative mileage?

The CHAIR: No question. Does that settle your question Sen. Lamontagne. I will act on that assumption until somebody tells us we are wrong. The speaker of the house and I met, as we are on a weekly basis, with the Governor this morning, and he indicated a desire to have as many house members and senators as his guests at a breakfast meeting as soon as possible. Tentatively he would like the first batch of senators for Tues-

day, January 30th at 8:30 a.m. at Bridges House and this is something to be confirmed based on his other obligations but I wanted to tell you about it now. I am sure that there will be no other interpretations placed on it. Myself and the first 11 senators by number will attend the first breakfast meeting, tentatively set for Tuesday January 30th at 8:30 a.m. at Bridges House and the second half of the senators will go at a later time in the next couple of weeks I believe.

Sen. LAMONTAGNE: To the remarks I just made so everybody would know what I was talking about, this is in reference to Senate Bill 24 and that is relative to loading of wood products on motor vehicles.

Sen. SPANOS: Mr. President I move that the rules of the Senate be so far suspended as to permit the business in order for the late session to be made the business at the present time and that we adjourn until tomorrow at 2:00 p.m.

Adopted.

LATE SESSION

On motion of Sen. Green, the Senate adjourned at 2:40 p.m.

Wednesday, 17Jan73

The Senate met at 2 o'clock.

A quorum was present.

Vice President Harry V. Spanos was in the Chair.

Prayer was offered by the Rev. Dr. Vincent Fischer, Chaplain, McKerley Medical Care Center, Concord, New Hampshire.

O God, the fountain of wisdom, whose statutes are good and gracious and whose law is truth.

We beseech Thee so to guide and bless this Senate, that it may provide and pass such legislation as may please Thee, to

the Glory of Thy Holy Name and for the welfare of the State.

Hear us O Lord, and sanctify and govern us in all our work.

Amen.

Pledge of Allegiance led by Sen. Preston.

INTRODUCTION OF SENATE BILLS

First and Second reading & referral

SB 32, establishing the criminal offense of "impaired driving." (Nixon of Dist. 9 — To Judiciary.)

SB 33, relative to payment of court fees for breath tests of blood alcohol content. (Trowbridge of Dist. 11 — To Judiciary.)

SB 34, relative to requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state. (Lamontagne of Dist. 1 — To Executive Departments, Municipal and County Governments.)

SB 35, prohibiting the placing of razor blades or harmful substances in Halloween food or drink. (Ferdinando of Dist. 16 — To Public Health, Welfare and State Institutions.)

The Chair recognizes Sen. Jacobson who moved that the motion whereby Senate Bill number 27 was referred to Judiciary be rescinded and that it be submitted to the Committee on Executive Departments.

The Chair recognizes Sen. Nixon:

Sen. NIXON: Mr. President, I concur on the motion by Sen. Jacobson. The bill in question which has to do with election laws was heard by the Executive Departments two years ago and by mistake it was referred to the committee on Judiciary when it was heard two years ago. The proper reference should have been the Executive Committee, therefore I concur with the motion.

The motion was carried.

The CHAIR: In case you are wondering why I have the honor of presiding over this body this afternoon it is because his Excellency Governor Thomson is out of the state and

Sen. Nixon is acting Governor and there is a constitutional prohibition for him to serve as presiding officer of the Senate and acting Governor.

PARLIAMENTARY INQUIRY

Sen. JACOBSON: I believe constitutionally he cannot be in the Chamber.

The CHAIR: I interpret Part Second, Article 49 to mean that when the President of the Senate is the Acting Governor, he shall not act in his capacity as Senator of the district he represents. This does not mean that he cannot physically occupy his seat in the Senate. The language I allude to reads: "When the chair of the Governor shall become vacant . . . by reason of absence from the State . . . the President of the Senate shall during such vacancy have and exercise all the powers . . . the Governor is vested with, but when the President of the Senate shall exercise the office of Governor, he *shall not hold his office in the Senate.*"

The reason for this opinion is that the President of the Senate in fact becomes the Governor of the State and he cannot serve in both constitutional offices because of incompatibility and separation of powers.

Sen. NIXON: May I say Mr. President, I think it provides that the President of the Senate cannot act as Senate President but I do not think it severs in any way my right to represent the 30,000 people in the 9th senate district: but if indeed it will, I certainly will absent myself from this chamber and not bother you any further. I did not mean in any way to infringe upon either the constitutional limitations or the good will of my fellow Senators by sitting as a representative of district nine today.

The CHAIR: The Chair rules that as he reads the constitutional provision, that when the Senate President shall exercise the office of Governor, he will not hold his office in the Senate and I interpret that to mean that the Honorable Senator from the ninth district cannot be a representative of his constituency and act as a Senator during this period of time. However, I see no prohibition for a senator from the ninth district or the acting Governor to be in this chamber.

Sen. LAMONTAGNE: Mr. President, I have seen in the past years that I have served in the Senate that the Governor sat in and I cannot see why the acting Governor cannot act and be a guest of this Senate.

The CHAIR: The next order of business the Chair recognizes Senator Porter.

Sen. PORTER: I move that the order whereby the amendments of joint rules be adopted by January 18 be extended to February 1st. In other words I move that the time be extended for two weeks for the adoption of the Joint Rules.

The House is not yet ready to act on the Joint Rules with the Senate. We thought today we might be able to do this but it has been suggested that we do delay it for a short period. The House at this point is merely considering their House Rules. We have set up a meeting of the Joint Rules Committee at 3:00 P.M. on Thursday, January 25th. After this motion is voted upon we would like to have a discussion on the Joint Rules as proposed so the members might make known their views on these Joint Rules.

Motion adopted.

Sen. PORTER: The members have all been given copies of the old Joint Rules of the 1971 session which this party did adopt in January to be amended by February 1st. The Ad hoc rules committee had several meetings and discussed the various rules and at this point I would like to refer to Sen. Downing who has volunteered to review the various amendments that have been proposed so the members will be all aware, and have the opportunity to make known their views on the various rules.

Sen. DOWNING: Mr. President, each member has a report on the recommended changes in the 1971 Joint Rules. Basically what we have tried to do is to move up the deadline on the introduction of bills and the deadlines for moving bills from one body to the other, and that coupled along with what can be done in committees of conference relative to amendments have been tightened up. We have combined 3, 4, and 5 into one rule No. 3 and this was primarily a technicality suggested by the Clerk. Move down to rule No. 5 at the bottom of the page and you will see that we have added the words *voted upon*. This will allow a bill concerning State retirement systems to be in-

troduced without a fiscal note attached. Rule No. 9 says that on request all papers or copies thereof shall be transmitted along with the bill or resolution. Rule No. 10 is a change in the dates. It moves the second Thursday in June up to the fourth Thursday in May and the fourth Thursday in June up to the third Thursday in June. Rule 12 moves the deadline for the introduction of bill to legislative services from the seventeenth legislative day of the session, up to the 12th legislative day. But I think that by the time we adopt these bills we will be gone by these deadline dates. Rule 14 changes the way Joint Hearing will operate. Rule No. 19 is again moving up dates. This is the capital budget bill. It moves the dates to the third Thursday in April from May 1st, the Third Thursday in May from the first Thursday in June and the second Thursday of June from the third Thursday in June. Rule 20 will limit the committees of conference on whether the general appropriation bill or the capital budget to only two, the differences between the appropriations of the House and the Senate. It also says that footnotes or new sections accepted in explanation of the principal text are prohibited and the first report of the committee of conference must be made no later than the seventh calendar day before July 1st.

Sen. TROWBRIDGE: Would you have any objection if we put into the joint rules the same language that we put into the Senate rules pertaining to footnotes and new sections to such bills?

Sen. DOWNING: No objection.

Sen. FOLEY: Under Rule 26 I noticed that the makeup of committees of conference consists of three members of the House and two members of the Senate. Was there any discussion about making these appointments equal in both branches?

Sen. DOWNING: No, I don't know that there was, other than that's the way it has always been. I don't think there will be any problem in making them equal if the Senate desires.

Sen. FOLEY: Well I think it would be fine if it was made equal.

Sen. DOWNING: Rule 24 adds the word supplement so these committee of conference reports would be available in

either the Journal or by this method so that the Senate is better informed. The change in Rule 18 is substantially just a date change. Rule 24 is a new rule. This will set up a joint screening committee of the general court.

Sen. BRADLEY: I am interested in the rule having to do with nongermane amendments. How would this be enforced?

Sen. DOWNING: I think it could be done simply by raising an objection saying that it does not comply with the rules.

Sen. SANBORN: This new Rule 24, does it mean that if a member of the House introduces a bill and a member of the Senate introduces the same bill, that it would then become one bill?

Sen. DOWNING: Yes, it is hoped that that will be accomplished.

Sen. JACOBSON: In respect to the Joint Rules we have had less legislative days than the House — of which counting do we take?

Sen. DOWNING: I would expect Senator that legislative days would pertain to whatever body is doing the business.

Sen. S. SMITH: In Rule 26 of the old rules, no action on a Committee of Conference may be taken in either House until a copy of said report has been delivered to all members. That seems to have been cancelled out by new Rule 23.

Sen. DOWNING: I guess in effect that qualification has been removed.

Sen. S. SMITH: Does Rule 12 give the Senate any additional time to act on House bills?

Sen. DOWNING: What this does is to allow us to finish our own work up a little sooner.

Sen. S. SMITH: Would it be possible in the adoption of the Joint Rules to get an additional week for us to work on the House Bills so that we might spread the work load out a little better.

Sen. DOWNING: Yes, we can try to accomplish that.

Sen. TROWBRIDGE: I would like to propose an amendment to the Joint Rules that pertains to bills that have an ap-

appropriation attached, for an example a bill having to do with the Barbers Board, or something we heard today that has a \$5,000 appropriation. Under the present situation it goes onto the floor of the house for second reading and is then referred to the committee on appropriations where according to their custom they hold all bills until they receive all bills carrying an appropriation, whether it be a big appropriation or a small appropriation and then on May 1, which is the present deadline or whatever the deadline date is, they then have all the bills stacked up and then they decide which ones they will pass through appropriations or not. Now many of those bills are passed up to the Committee on Appropriations let's say in the middle of March and they sit in appropriations, I don't quarrel with other committees, needing to know and calculating everything they had to do. My concept was that if the House approves a bill sufficient enough to send it to appropriations saying that as a policy matter we approve of this legislation but we are not sure of the funding that at that time a copy of that bill will go over here to the Senate and some of them come in to the appropriate committee here in the Senate, have a public hearing and have a policy hearing by the Senate, as you know and then again wait to see if it ever really came over from the House, but it would avoid all the terrible crunch at the end where you have to have two days notice that public hearings have and all that, where all of a sudden you are dumped with maybe 50 or 100 bills, then on to appropriations which not only have to go before a hearing before ED & A or some appropriate committee, they have to go and have a hearing before Senate Finance and you could maybe get ahead on some of these bills, at least to the extent of supplying the need for public hearing on some policy decision. Now I am having considerable trouble drafting a rule that satisfies everybody in this situation. I have had my approach and Arthur Marx has come up with another approach which is a rather complicated system by which all appropriation bills, at the end, land on a table, a mythical table, between the House and the Senate and then they are drawn off the table and I must confess that I don't understand that concept at all. What I am just saying to my fellow members of the Senate is perhaps I am overestimating the need for this. Perhaps you do not care and would just as well have it the same old way in which case why go on fighting for it, if however, you thought this would be a good idea and pressed for it, it would probably be a joint rule and now is the time to discuss it. That is why I

am bringing it up and I hope I have explained it enough. The same reversed would be true of a Senate bill carrying appropriations which went to Senate finance and waiting there for its similar turn would be messaged into the House and go through some public discussion in the House prior to final action here in the Senate. So it goes both ways.

Sen. FERDINANDO: Rule 24 seems to be an unnecessary rule. If we have sent similar bills introduced by a member of the House and a member of the Senate and it is referred to a Joint Screening Committee of five House members and three Senate members, it appears the Senate would come out on the short end.

Sen. DOWNING: Do you feel that you may have been interpreting this rule a little too strictly?

Sen. FERDINANDO: It is possible.

Sen. DOWNING: Do you realize that the last sentence of that rule states that after consultation with the requesting members, the committee shall endeavor to have them agree to the drafting of one bill.

Sen. FERDINANDO: Apparently I am not reading this correctly.

Sen. S. SMITH: As I understand the question in regard to Rule 24, this is an attempt to get agreement on sponsorship. There is nothing mandatory about the rule.

Sen. DOWNING: Your interpretation is correct.

Sen. JACOBSON: Mr. President, I have a further inquiry in regards to the President of the Senate in his role as acting Governor. In your ruling, does that mean in the case of a vote, the Senate President, as the senator from district nine, can vote?

Sen. SPANOS: As I indicated I do not believe that he can vote.

COMMUNICATION

Honorable David Nixon
President of the Senate
State House
Concord, New Hampshire 03301

Dear Mr. President:

I would appreciate your informing the members of the

Senate that, commencing Wednesday, January 24, 1973, I intend to set aside the hour of 11:00 A.M. to 12:00 Noon on each Tuesday, Wednesday, and Thursday during the Legislative Session as an "open hour" for members of the General Court.

Except when unforeseen or otherwise unavoidable circumstances prohibit (e.g. Executive Council meetings), I will be available during the designated "open hour" to meet with individual legislators who have matters which they wish to discuss with me. No appointments will be necessary during the "open hour" and I hope to see as many legislators as wish to meet with me. To ensure that possibility, I would hope that the "open hour" be used for matters that can be addressed with reasonable brevity. Members of the General Court who wish to discuss more detailed or complex issues might arrange a regular appointment with me outside of the "open hour" when a more lengthy period of time is available.

Meldrim Thomson, Jr.

Governor

ANNOUNCEMENT

The Public Health and Welfare of the Senate will meet at the State Hospital on Pleasant Street, Tuesday morning at 9:30. Any other Senator is welcome to attend this tour.

PERSONAL PRIVILEGE

Sen. BLAISDELL: Mr. President and members of the Senate. This morning's paper I noticed a headline, Governor Thomson cancels all park passes. For the record I would like to disagree with his action and I realize that this is treading on dangerous grounds when I question his right to cancel those passes. I have before me a list of honorary fishing licenses in our state. I would hope and would strongly disagree against, because I believe that the list of names here are advantageous to us and the State of New Hampshire, because one word from any one of these writers about our State I believe is worth this fishing or hunting license that we give as an honorary license. When we consider the names in the papers this morning, one of the names was Penny Pitou, because as most of you know I do own a ski shop in the state of New Hampshire, and I have never met Miss Pitou by the way, but by giving her a ski pass to our state parks

I think is money well spent as she has done a lot for this state. I also object to taking away the passes of some of the people who have dedicated their life to the State of New Hampshire. There is a lot of them in that list, I don't know them all, but I object to it strenuously. I believe also, Mr. President, that we have many more things to do in this state than nitpicking and I strictly call this nitpicking as far as I am concerned. It would be like me asking if the Governor had left this morning with his small car or his big car. I would like to see in the headlines of any newspaper in the state something about the mentally retarded in our state, about the state hospital, aid to education, a strong university system, the elderly. Lastly, and speaking from this section, tax revision in this state. These are the things that I welcome, not nitpicking.

Sen. FOLEY: I move that the rules be so far suspended as to permit the business in order for the late session to be made the business in order at the present time and that when we adjourn, we adjourn until Tuesday at 2:00.

Adopted.

Sen. Provost moved the Senate adjourn at 2:50 p.m.

Adopted.

Tuesday, 23Jan73

The Senate met at 2 o'clock.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Chaplain, McKerley Medical Care Center, Concord, New Hampshire.

Oh God, please give us grace, not for a lifetime, not for a week but just for today!

Direct our thoughts, our work and most of all our discussions.

Let us live generously, kindly with understanding and

goodness, as we strive each day to make this particular State, New Hampshire, a better place to live in.

Grant all These, our requests in Thy name today, and each day that follows.

Amen.

Pledge of Allegiance led by Sen. Gardner.

INTRODUCTION OF SENATE BILLS

First and second reading and referral

SB 36, relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto. (Poulsen of Dist. 2 — To Resources and Environmental Control.)

SB 37, to encourage voter participation in primary elections. (Nixon of Dist. 9 — To Executive Departments.)

SJR 2, providing a supplemental appropriation for school building aid. (Downing of Dist. 22 — To Education.)

In regard to Senate Bill 24 of the Journal, on page 16, there is a Senate report that is not listed as coming in today. This report will be on the floor tomorrow for consideration.

Sen. LAMONTAGNE: Members of the Senate, although I am sure the Clerk and Chairman of Public Works had the intention that this was going to be reported today. As you probably remember I said it was urgent because of pending Court cases. If this law is in effect by adding cables, it is going to help some of the truckers in the mentioned cases. I ask for a suspension of the rules on the Cog Railway which was considered to be of great importance. The reason for that is because of some equipment that was needed and I am going to ask that this be printed in the Journal. Back to Senate Bill 24. I would like to ask you if there is a possibility because of these cases that are now pending, and someone is going to get hurt. If this bill, and the amendments have already been made, could be messaged into the House today instead of the scheduled hearing for Thursday. I would like to ask for the suspension of the rules to permit committee report on House Bill 24 today.

Sen. BRADLEY: I am very reluctant to waive rules and I

did oppose suspension of the rules the last time it came up. This is quite a different matter. This is a current problem. A person who I know is being arrested weekly because of this law which everyone agrees doesn't make sense. There was an arrest even after we had the hearing last week. The amendment of the suspension of the rules does seem to be a technical one. No one is not going to be allowed to express themselves. There has been a hearing so therefore I agree that the committee report be heard today.

Sen. LAMONTAGNE: If anyone is in doubt, I have papers for them to see. What happened in the Journal was an honest mistake.

I move that the rules of the Senate be so far suspended to allow that S. B. 24 be heard at this time.

Adopted.

COMMITTEE REPORT

SB 24

AN ACT relative to securing loads of wood products on motor vehicles. Ought to pass with amendment. Sen. Lamontagne for the Committee.

AMENDMENT

Amend section 4 of the bill by striking out said section and inserting in place thereof the following:

4 Effective Date. This bill shall take effect immediately upon passage.

Sen. CLAVEAU: This bill would permit haulers of wood or wood products to use wire ropes, steel cables, steel straps or nylon webbing devices instead of chains to secure loads of wood or wood products on motor vehicles.

Sen. LAMONTAGNE: I am sure you will understand what the bill and the intent means. I have a camdog here. If you notice it has done a lot of work. (Demonstrated Camdog) We would like to put this cable into law. It has a strength of 2,750 pounds and it is stronger than the three-eighths chain. Sixteen years ago when I recommended that the law be passed about the three-eighths chain to tie up lumber on trucks, we were talking about

securing loads to trucks, we are not talking about lifting up loads. We up north have stopped a lot of wood falling on the roads. What we are asking now is to put cable into law. This is giving the loggers a safer piece of equipment. A three-eighths chain you have to use with a binder and a pipe. With a binder often times the pipe slips and the pipe would fly out. Many accidents occurred. With cable there is no way of slipping. That is why now it is most urgent to include into the law this cable so that people like Mr. Decato will not be taken into court. We are not discontinuing the three-eighths chain. The three-eighths chain is still going to keep on going for some people who are hauling sawed lumber — this is a better piece of equipment for them. Some people say this cable is going to stretch. Three eighths chain will also stretch. Anyway we are not talking about lifting loads, we are talking about securing the load to the body.

Sen. R. SMITH: In reference to that piece of equipment, for the benefit of our recorder, how do you spell that.

Sen. LAMONTAGNE: Camdog not can.

Sen. SPANOS: Will the three-eighths chain still be lawful for truckers?

Sen. LAMONTAGNE: Yes, this is only additional new equipment.

Sen. DOWNING: Does this bill deal only with handling of cable as tie down devices?

Sen. LAMONTAGNE: It does cover more, wiring and strapping. The Director of the Motor Vehicle Department is all for it too. Some of this strapping is used by people who are hauling finished lumber. If you use a three-eighths chain when securing the load to the body you are putting pressure on the load. Three or four boards on the sides are going to be damaged. Strapping will not break up any of the lumber. For this type of load this strapping is better than three-eighths chain. Also, the load will loosen up because the chain will turn. When this happens it creates a hazard for people who drive behind the truck. If the driver has to stop fast then the load will go forward and go through the cab causing injury to the driver. At the same time I have seen a loose load slide off into a car behind. If we put strapping into the law we will not have any trouble. Three-eighths chain will be used for hauling pulp.

Sen. BROWN: In portion one of the bill, line six, does that change the present statute on width of the load now.

Sen. LAMONTAGNE: No it doesn't change on the width.

Sen. TROWBRIDGE: What happens to those people who just recently have been arrested?

Sen. LAMONTAGNE: I have talked with some authorities and they felt that what has happened is really a safety matter. If I can go further there is a problem and the problem is this. An employer has to abide by the labor laws and at the same time abide by the chain laws that do not include cable. Under the labor law it states that the employer must sufficiently correct anything that endangers their employees. The binder chain is dangerous and has created some accidents. Now Mr. Decato is subject to the Labor law and has violated the three eighths chain law. The binder chain law doesn't say he can do this. There are two laws. One is a motor vehicle law and the other a labor law. That is why this is most urgent.

Committee Report adopted.

Sen. Lamontagne moved that the rules of the senate be suspended to put Senate Bill 24 on third reading and final passage, at the present time.

Adopted.

Third Reading

SB 24, relative to securing loads of wood products on motor vehicles.

Adopted.

Sen. S. SMITH: It gives me great pleasure to nominate Dr. Fischer who has been acting as Chaplain to this point, to be our Senate chaplain.

Sen. POULSEN: It gives me great pleasure to second the nomination of Dr. Fischer as Senate Chaplain.

Sen. BLAISDELL: I move that the nominations be closed and the Clerk will cast one ballot for Reverend Fischer.

Sen. BOSSIE: Second the motion.

The motion carried and the Clerk cast one ballot for Dr. Vincent Fischer.

HOUSE MESSAGES

INTRODUCTION TO BILLS

1st, 2nd reading and referral

HB 154, increasing the debt limit for the Gilford School District. (To Education.)

Sen. S. SMITH: I move that the rules of the Senate be so far suspended to dispense of public hearing and notice of report on House Bill 154 and the bill be acted on at the present time. The reason for this, at this time, is this bill was introduced into the House by Rep. Nighswander. The town in question is mainly Gilford and Gilford spoke in favor of the bill. The bill passed the House last week. The necessity for having the bill acted upon at the present time is that Gilford school district will be holding a meeting on the thirtieth of this month.

Sen. GARDNER: I am sure the school board of the town of Gilford would appreciate this action.

Adopted. Ordered to third reading.

COMMITTEE REPORT

HB 154

increasing the debt limit for the Gilford School District. Ought to pass. Sen. S. Smith for the Committee.

Adopted.

PERSONAL PRIVILEGE

Sen. JACOBSON: I wish to publicly protest the characterization of me as a "right winger" as appeared in an editorial in the Portsmouth *Herald*. The implications of this are generally obvious to all; they are particularly odious to me. I challenge the editor to compare my record with any of his favorites in the Senate. I challenge him to find one shred of evidence that I am a "right winger". In my view, such editorials as this one serve only to do public harm; this particular one is a piece of unmitigated hogwash.

Sen. LAMONTAGNE: It was suggested in that editorial that the people in Berlin permanently retire me. I do not live in the district where the paper was printed so I will probably continue to serve.

ANNOUNCEMENTS

Sen. NIXON: I hereby appoint Sen. Roger Smith to the Advisory Committee on State Salary and further in the absence of Sen. Porter to serve on the Joint Rules Committee.

Sen. NIXON: I hereby select Sen. Trowbridge, Chairman and Sens. Gardner and Lamontagne as Senate History Committee and to meet with Leon Anderson about the possibility of writing a history of the Senate.

Sen. NIXON: I am passing out today a tentative schedule and proposal for the upcoming district meetings of the Senate around the State. The arrangements in the various districts will be left up to the Senators in that district. My administrative assistant, Wayne Beyer, is handling all of the arrangements and details for these meetings. If you have any suggestions or comments come back to me with them.

Sen. GARDNER: If a Senator is unable to make a meeting in these areas they will be marked absent.

Sen. NIXON: No one will be penalized if it is impossible for them to attend.

Sen. PROVOST: What about the mileage?

Sen. NIXON: I shall see Arthur Marx, Director of Legislative Services, about it. No one will be penalized.

Sen. GARDNER: Is this constitutional?

Sen. NIXON: There is no constitutional problem.

Sen. GARDNER: Has the Attorney General been asked for a ruling?

Sen. NIXON: I am sure it has been looked into. If it is felt that the Senate should not do this, it can be acknowledged by a vote.

Sen. FOLEY: I move the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time and that when we adjourn, we adjourn to meet Wednesday at 2:00 and in memory of Lyndon Baines Johnson, our 36th President of the United States for whom a memorial service will be held on Thursday.

Adopted.

LATE SESSION

Third reading and final passage

HB 154, increasing the debt limit for the Gilford School District.

Adopted.

Sen. Green moved that the Senate adjourn at 3:00 p.m.

Adopted.

Wednesday, 24Jan73

The Senate met at 2 o'clock.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Almighty God, our Heavenly Father, let us pray for the repose of the soul of Thy Servant — Lyndon Baines Johnson, who tried mightily to bring Peace to this nation and to the world. Let us also pray for his loved ones; family, friends, neighbors and colleagues, that they may be comforted in their sorrow.

Let us not forget to add to this prayer, our grateful thanks to those who negotiated the imminent "Peace Pledge." Let us rejoice but also stop a moment, in our joy, and give a prayer for those who gave their lives for us, that we may live, grow and thrive in Peace.

Keep this nation and all nations, steadfast in their desire to take great steps forward for the good of Humanity. Hear us, O Lord —

Amen.

Pledge of Allegiance was led by the Hon. James O'Neil, Speaker of the House.

Sen. NIXON: I would like to take this opportunity to welcome Rev. Vincent Fischer as Senate Chaplain and to the Senate.

Rev. Fischer: Thank you very much for your faith in me.

I will do the best I can to conform to this office I have been elected to.

INTRODUCTION OF SENATE BILLS

First and second reading and referral

SB 38, relative to increasing the sum authorized by the commission to expend from an applicant's examination fee for engaging a qualified testing service. (Claveau of Dist. 14 to Executive Departments, Municipal and County Governments.)

MESSAGES FROM THE HOUSE

INTRODUCTION OF HBs & CACRs

first & second reading and referral

HB 52, changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center. Referred to Public Health.

CACR 11, relating to voting age. Providing that eighteen year olds may vote. Referred to Judiciary.

CACR 10, relating to removing the deadline date on paying legislative mileage. Providing that the first day of July be repealed. Referred to Executive.

CACR 12, relating to jury trial in civil causes. Providing that the supreme court by rule of court shall determine the value in controversy for the right of trial by jury in civil causes. Referred to Judiciary.

ENROLLED BILL REPORT

HB 154, increasing the debt limit for the Gilford school district.

Sen. Provost
For The Committee.

PERSONAL PRIVILEGE

Sen. SPANOS: Three weeks have elapsed since Governor Thomson was sworn in as the 91st Chief Executive of the state of New Hampshire. In deference to a newly-elected Governor, we kept our silence after the delivery of his Inaugural Address and

we have kept our silence since the day the Governor offered his message to posterity. But we can no longer remain silent lest our silence be interpreted, by the people of this state, as acquiescence and approbation of the Address and of the Governor's activities since he became the Chief Executive.

The address and the Governor's actions of the past three weeks necessitate a response on our behalf — and for this reason, I arise today.

I shall address myself first to his Inaugural presentation. As a history lecture, even my old professor, Arthur M. Schlesinger, Jr., would have nodded his approval. But as a message for the future of the state and its inhabitants, it was replete with generalities, devoid of substance and negative in approach.

It was cold and hard. It was without compassion and understanding. It lacked in the human dimension. The Governor resembled an accountant poring over a ledger book. And the key sentence in his address: "A free man is a solvent man" heralds what appears to be the philosophy of his Administration for the next two years.

I always equated freedom with the words "liberty", "justice" and "equality" but never to a man's financial stability in the community. It appears that the Governor has substituted the dollar sign for people and people's needs. The desire in all men for dignity and spiritual fulfillment has been thrust aside in the name of frugality. I lament this course which he appears to have charted for it will be the little people who will suffer the consequences.

The Inaugural address which should have established a blueprint for a bright future, which should have inculcated within all of us a spirit of adventure that goes beyond the ordinary and demands of us to do great things, was nothing more than a play to the galleries — enunciating what people want to hear but deliberately avoiding the pressing problems which will challenge us in the days ahead.

I submit that this is no time for timid dreams and faint resolve, it is time to end the political histrionics and the political campaigning.

Since the Inaugural, the Governor has continued to walk his political road with edicts on free liquor and free passes;

statements on the type of car he will operate during his Administration; refusing a salary increase and offering superficial legislation such as House Bill No. 1 and attacks on the Governor's Commission on Crime and Delinquency. As my distinguished colleague from the 10th District, Senator Blaisdell, ably concluded last week: "This is nit-picking." I say it is "Government by Headlines" — and I am disturbed.

I have no objection to the Governor's desire to have a businessman head the N.H. State Hospital. But in making this pronouncement, the Governor has avoided the real issue — the real reason for loss of accreditation — and that is, that our State Hospital has never been adequately funded to provide for the care and treatment of those unfortunates who reside there. I only wish that Governor Thomson had pledged and committed himself to proper funding for the Hospital and made maladministration (if such be the case) a secondary consideration.

As for his salary reduction, the Governor has announced that he will turn back \$1,500.00 to the State Hospital, the Laconia State School and Training Center, the N.H. Home for the Elderly, the Soldiers' Home and the State Industrial School. That comes to a donation of about \$300.00 to each. I shall indicate my approval of the Governor's concern for these institutions when I see him ask the Legislature for sufficient funds to meet their basic needs which have long been neglected.

And again recently, in a most simplistic approach to a pressing problem, the Governor suspended the operations of the Governor's Commission on Crime and Delinquency, a program which had the support and leadership of former Governors King and Peterson and many of us present here today. It is a model for the rest of the country. The reason for this edict (which reason is somewhat blurred by latest reports) was that the Commission's emphasis has been on rehabilitation and not prevention.

First of all, it is odd that Governor Thomson, (who is obsessed with the idea of returning to the principles of our Founding Fathers and who quoted extensively from the New Hampshire Constitution during his Inaugural) omitted referring to Article 18 of our Bill of Rights which is entitled: "True Design of Punishment" and which in essence reads as follows: "... a multitude of sanguinary laws is both impolitic and unjust. The

true design of all punishment being to reform, not to exterminate mankind."

Is the Governor of this state ready to turn the clock back to the 17th and 18th century for his philosophy on the prevention of crime? Is he, in the name of "law and order" (which issue so monopolized the 1968 Presidential election), ready to repudiate the teachings of almost every prominent criminologist, penologist and jurist in the land?

Secondly, according to a reliable source, approximately 75 cents out of every dollar the Commission spends is in the area of prevention. Read the reports of the Commission and find out for yourselves; — training of police officers, new police radio communication systems, crime laboratory equipment; new police officers; assistant county attorney. I do not believe that there is one single town and city in this state which has not benefited from the efforts of the Commission.

It appears that the Governor is concerned about the travel of the Commission officials and other law enforcement officers to law conferences in order to learn more about the subject matter. How different is the travel of these officials from that of the Governor himself, who recently flew to West Virginia to meet with the Governor of that state to learn firsthand how that state handles its welfare problem? I am glad that he went as I am sure that it enhanced his knowledgeability on the subject. But his trip to learn is no different than those he now criticizes — except it makes good copy, especially when the real issue is clouded in the name of political expediency.

Thirdly, how can the Governor honestly criticize the Commission as a failure when the Comprehensive Plan of the Commission is programmed for a four or five year period with several years yet to go in evaluating its input?

Finally, the Governor, again looking to the electorate, is acting as if only Republicans reside in this state and frequent the General Court. To date, he has refused to acknowledge the very existence of the members of the minority party. First, he did not invite the minority leadership to any of the Inaugural Balls as members of the Governor's party — a practice which both Gov. King and Gov. Peterson followed. Second, in his concerted efforts to elect a Senate President to his liking, he made the statement that "Any Republican would be better than a

Democrat". Third, he has on several occasions indicated that it is his resolve to enact the whole *Republican* platform. Fourth, he has been having weekly conferences with the Republican leadership to the exclusion of the Democratic leadership. And fifth, he publicly complimented all of the Republican Congressional delegation for their help in alleviating the state's grain shortage and never once mentioned Senator McIntyre on this matter nor the junior Senator's prolonged battle for increased oil imports to assist the New Hampshire homeowner.

If his Excellency thinks for one moment that we will be satisfied with a pancake breakfast where the syrup will freely flow, he is sadly mistaken. We want him to get down to the meat and potatoes and then we will sit down and break bread. I suggest to the Governor that we Democrats are here in this state, in the House of Representatives and in the State Senate — and we are competent, we are responsible, we are concerned and we are responsive.

As a consequence, we offer him this challenge. Offer to us responsible and responsive leadership designed to meet the needs of the people of this state and we shall contribute our constructive efforts to achieve this goal. *But*, continue to disparage and ignore us, deal in minor and unimportant issues, and genuflect daily in the direction of Pride's Crossing — and we shall stand up and fight for that which we believe is right for the people of this state.

I pray for direction and a grand purpose for this session because, in the final analysis, the young, the poor, the elderly, the sick and all the good citizens of this state will be the beneficiaries of our joint effort.

Sen. LAMONTAGNE: I have two matters I would like to take up before this Senate that I feel to be very serious.

In the remarks that I make I hope you will understand that I don't want to stop the children from our state and from other states from being able to visit this Senate, but something has happened which bothers me. I had a camera in my desk and it is now gone. The value of the camera does not bother me, but there was a film inside that cannot be replaced, which bothers me very much.

I would like the people to use this Senate, but I feel there

is no need for them to sit down at these desks and whoever is in charge should make sure that these drawers are not opened. I feel we should not leave important items on the desk tops, but should be able to leave things in the drawers without their being tampered with.

Now I would like to speak, Mr. President, on a very, very touchy subject. I have started to read this A. D. Little New Hampshire Study and I would like to have you turn to page six. Now, I am aware that there is some pending legislation, and I do not know if it has been drafted or not, but I hope my words will go to the sponsors so that they will reconsider the wording of any legislation pertaining to the matter.

I am referring to Table 1, page 6, Items 10 and 11. Item 10 is Soldiers Home and Item 11 is Veterans Council. Imagine, disabled American veterans will have to go to Welfare because these two will now be under Health and Welfare. We are having trouble now having veterans of World Wars I and II get help because they have too much pride to go on welfare. But now we are going to place these departments under Health and Welfare. What do you think is going to happen to these people? They won't want to go.

Imagine the widow of a veteran who has lost his life for his country. She will have too much pride to go to Welfare to have her papers filled out. Even the Soldiers Home will have to go to Welfare. The word "welfare" hurts their pride. As I have been a leader of veterans in my local community, a leader of veterans in my state, and I have also held the third highest position in the nation for veterans, I feel hurt and hope this can be changed before the bill is drafted.

Sen. S. SMITH: I move that SJR 2 be vacated from the Committee on Education and, be sent to the committee on Finance.

Sen. JACOBSON: Could we have an explanation?

Sen. S. SMITH: This bill resolution is involved primarily with funding of the school building aid program about 1.3 million dollars that was not funded during the last biennium. This is where we drew funds that support funds of that program. This bill is an attempt to make up for that — I think it is more of a finance question really, rather than an educational question.

Sen. LAMONTAGNE: Senator, has this bill had a hearing?

Sen. S. SMITH: No, it has not had a hearing, it was sent to Senate Education Committee yesterday. I talked with Committee members, it was felt that by passage of it by the Senate Finance Committee it would expedite this bill so that the towns and cities that would make their plans for the budget for the coming year in March, we will have some idea as to whether or not this bill will pass. It will save a week or so in the process.

Sen. LAMONTAGNE: This time shouldn't the rules of the Senate be suspended because we wouldn't have a hearing?

Sen. NIXON: This does not interfere with the hearing process, the suspension of the rules should not be required.

Sen. JACOBSON: I would like to speak in support of this. There is considerable urgency because the town and school meetings are coming up. If I understand Senator Smith's explanation of this, it is to return the deficit that occurred in the previous biennium whereby the building fund had to be prorated. Many school districts who had depended on this money were forced to rely on the property taxes, so that I urge that we support this legislation and that we also urge that the Senate Finance Chairman expedite it quickly.

Sen. TROWBRIDGE: I would like to say that I have talked to Sen. Smith and agree entirely with the process and we will process it next Tuesday, hopefully, it will be printed by then. It was supposed to be printed by today.

Sen. DOWNING: I rise in support of the motion to vacate the bill and expedite it in whatever manner possible. I would like to add some information to the Senate. I am sponsor of the resolution and I can tell you there is 1.3 million dollars and it will bring the funding up to a level promised by the state for the Fiscal Year ending 1973. There was a question, when we passed that budget as to whether there was enough money to properly fund our obligations and many of us opposed the budget at that time. I have the breakdown here by districts if anybody is interested in it. It's important this be passed by the Legislature prior to Annual Meeting time that they know whether this money is going to be available to them at that time or not. We are operating now with allocated revenue by the year of at least 4 million dollars and I think we must set priorities and make it clear as to where the monies should go.

Sen. LAMONTAGNE: I hope that the Senator from the Third District would not think that I was in opposition to his motion because I wanted to make some corrections. I wanted his motions to be made correctly so that the records wouldn't have to make any comeback, but I am in support.

Adopted.

Sen. FERDINANDO: I would like to speak on Personal Privilege Mr. Senator, what we heard from the Senator from the Eighth District today is a lot of hog-wash. I think, to be critical of someone who has been in office three weeks or less to expect that miracles will be performed isn't being fair. I think that one must realize that there are a lot of corrections that have got to be made and we've got to appreciate that we ought to go on before we go forward. I think that it is important that you take the time to make these corrections — corrective uses that are existent in our state Government. I personally feel confident that Governor Thomson will have that opportunity to prove his case and I just feel that the people in this state elected him and I think that he ought to have at least an opportunity to deliver programs and I am positive that he will support programs that are necessary to this State and to be critical at this time, I feel is a lot of hog-wash.

ANNOUNCEMENTS

Sen. NIXON: Yesterday I was asked the question about being penalized if a senator was absent from the town meetings. The answer was, and still is, no. However, I would like to clarify it by saying that I would hope that out of respect to their fellow Senators and out of respect to the citizens of the towns, that all Senators would try to attend these meetings.

Sen. NIXON: The Senate will meet tomorrow at 10:45 in the Senate Chambers. Following this, we will join with Governor Thomson for brief ceremonies in the memory of Former Presidents Lyndon Baines Johnson and Harry S Truman. There will be an opening prayer by the House Chaplain, a eulogy on President Johnson will be given by Sen. Spanos, representing the Senate, a eulogy on former president Truman will be given by House Minority Leader Ernest Coutermarsh and the closing prayer will be given by the Senate Chaplain Rev. Fischer. We will then meet again in the Senate Chambers following the memorial service.

Sen. NIXON: The first Town Senate meeting will be held at 7:15 p.m. next Thursday in New Boston Town Hall. Prior to the meeting I would like to invite everyone and their spouses and fiancées to a buffet in my home in New Boston.

Sen. NIXON: After much discussion both pro and con on meeting days for next week, I would like to announce that we will meet for all three days.

Sen. NIXON: Sen. Green and Sen. Porter are excused for the day for other important business.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to permit the business in order at the late session to be the business in order at the present time. Permit reading of bills by title only; and that when we adjourn we adjourn until 10:45 tomorrow for opening ceremonies and then recess to join with the House for memorial services and when we adjourn we do so in deep thanks for the end of the Viet Nam War and with fervent prayer that with it we will have lasting peace.

Adopted.

LATE SESSION

Sen. Sanborn moved that the Senate adjourn at 2:50 p.m.

Adopted.

Thursday, 25Jan73

The Senate met at 10:45 a.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us pray for the repose of Thy servant Lyndon Baines Johnson and that his memory and works will live on in the hearts of those who knew and loved him. Amen.

Pledge of Allegiance was led by Senator Spanos.

RECESS

Memorial Services for former President Johnson and Truman.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 39, to enable the city of Berlin to provide ambulance service to adjoining towns. (Lamontagne of Dist. 1 — To Public Health, Welfare and State Institutions.)

SUSPENSION OF THE RULES

Sen. LAMONTAGNE: Mr. President, I move that the rules of the Senate be so far suspended as to waive printing of the bill in the Journal and be placed on second reading today.

Adopted.

COMMITTEE REPORT

SB 39

to enable the city of Berlin to provide ambulance service to adjoining towns. Ought to pass.

Sen. LAMONTAGNE: Mr. President and Members of the Senate, somehow the Mayor of Berlin was supposed to be here, the Mayor came down from Berlin with an opinion from the City Attorney in reference to using appropriate funds from the City of Berlin for use in another township. Therefore the City Attorney has ruled that the City Council could not allow the city ambulance to go into Gorham. The Brown Company Mills are not only in Berlin, but part of it is in Gorham. The town of Gorham cannot go into the ambulance service as you may well know because the town meeting comes in March. Now the bill that you all had a copy of, is asking for the Berlin ambulance service to take care of other towns in the area of Berlin for six months, and this is one of the reasons why it is an emergency because right now, because of the opinion granted by the City Attorney, it is impossible for that service to take care of the mill that is called Cascade, which is in the township of Gorham. If anyone wishes to see the opinions of our city attorney of Berlin, and I don't want to take up all of your time, I have the opinion here.

Sen. JACOBSON: Sen. Lamontagne, I notice that the body of the bill has no RSA number attached to it. My question is, if that be the case, why is it necessary to have legislative authority for this action, or in other words, why could not the City Council, based upon the City Charter simply authorize it.

Sen. LAMONTAGNE: Senator, let me say this. As you know the City Council can only act in behalf of its own township. This is going into other towns and this is the reason why it does take this special Act that you now have before you. The City Council cannot act and this is one of the reasons why the City Attorney said, you cannot use tax dollars of its community for another community. Now, at the same time, for the protection of the City against any claims of Liability Insurance, has written to the Canadian Universal Insurance Company with a limit of a hundred thousand dollars for each claim and a total limit of three hundred thousand dollars. The city has this policy that again, it has no right to do it, other than its own residence.

Sen. JACOBSON: I noticed that the legislation speaks only of the Charter of the City of Berlin. To what statutory authorization do we proceed under in regards to the legislation? My question is directed to find out whether we are acting legally on a bill which has no RSA number and no relationship to anything in the RSA.

Sen. LAMONTAGNE: Senator, my understanding is that this bill, which has been drafted by Arthur Marx, who is our legal Legislative Assistant, there is no question that refers back to the City Charter. This is one of the reasons why you have not got any RSA. Therefore, this is only asking to give the City Council the go ahead and do what they've been doing. Giving services to the surrounding towns. Now, this is a new law. It is a new law that was passed in this last session and I'm going to tell you right now that there is no provision whatsoever for the towns who have gone into it before their town meetings. This is why now the City Council needs your help in order to be able to give service to the surrounding towns. Now the importance of this emergency is on account of the Brown Company Mills. Brown Co. Mills has given jobs to some of our residents of Berlin and this is the reason why we are asking you for this emergency.

Sen. TROWBRIDGE: In reference to Sen. Jacobson's inquiry, I think Sen. Jacobson, that it is clear that it is a ses-

sion law. Whether it's because a chapter of the session laws of 1973, the RSA is only a brief reference point by which we file these laws but has nothing to do with the legality of every law in the Chapter of the session laws. That is up to the people who codify it. The publishing company has an Attorney General to figure where it goes in the RSA.

Sen. SMITH: His statement answered my question.

Sen. BOSSIE: Sen. Lamontagne, does the City Charter of Berlin permit the city to enter into contracts either with towns or with individuals so that a way to get around it would be for the city to enter into a contract for the amount of one dollar with the town of Gorham.

Sen. LAMONTAGNE: Senator, this is the problem. Because the City Charter does not provide this, and that is the reason we are asking the General Court to extend this provision of the city so it can help the neighboring towns until they are able to meet in March so that they can turn around and straighten out this problem that they are now facing. But again, let me repeat, the problem is between the residents who are working in the Cascade Mills which is in the township of Gorham. Therefore, it is necessary to pass this type of Legislation in order to permit the Council to go ahead and take care of the surrounding towns.

Adopted. Ordered to third reading.

Sen. LAMONTAGNE: Again, I ask for suspension of the rules so that Senate Bill 39 be placed on third reading at this time.

Adopted.

Third reading and final passage

SB 39, to enable the City of Berlin to provide ambulance service to adjoining towns.

Adopted.

Sen. LAMONTAGNE: Again I want to rise and say thank you for the support given me by my fellow Senators in the passage of this bill.

HOUSE MESSAGES INTRODUCTION OF HJR

First, second reading and referral

HJR 2, providing supplemental appropriation for depart-

ment of agriculture, bureau of weights and measures and division of markets and standards. Referred to the Committee on Finance.

COMMITTEE REPORTS (Continued)

SB 2

to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years of age or older, under certain circumstances. Ought to pass with amendment. Sen. Downing for Ways and Means and Administrative Affairs.

AMENDMENT

Amend the bill by striking out the heading to section 3 and inserting in place thereof the following:

3 Condition; Social Security, Retirement, Pension or Veterans Benefits.

Further amend the bill by striking out RSA 72:40, II (d) as inserted by section 3 of the bill and inserting in place thereof the following:

(d) Social security, retirement, pension, or veterans benefits received.

Sen. DOWNING: The amendment that we found on today's calendar on page 24 and the only change the Amendment makes is to put in a few commas that were left out in the drafting of the bill. Senate Bill 2 will lower the age qualified for the present Real Estate tax exemption of older residents from 70 to 65.

Presently, you are aware that the residents, under certain conditions are entitled to \$5,000.00 exemption on the valuation of their taxable property and their home. This would lower the age from 70 to 65. It would further add that at age 70 there would be exemptions on taxes on their homes. The committee was somewhat concerned about what impact this might have on some communities, however, it was not known how much impact, if any, this would have on any one community. We soundly recommend that funding if necessary, for these areas by way of relief for any of these communities where there would be any particular hardship, be received from the federal revenue sharing money that has been allotted to the state. This is an area

that has been talked about for a long time but there has been very, very little action, and this adoption of SB 2 would take a giant step in the direction of relief in this area.

Sen. TROWBRIDGE: I would like to speak in favor of the bill because, as I said before to Sen. Downing, for sometime I have been working on tax relief schemes of various natures which have been unsuccessful so far. I might point out, perhaps, some of the defects of this bill and then say why I still support the bill. For instance, it is always possible to have a person who is 70 years or older owning a house who had an income of a million dollars, and clearly our concern is not for those people. This is one of the defects in any broad brush exemption of real estate. However, of course, there are a minority of people who are in that category. From my point of view, if we can say that the Senate of New Hampshire is concerned with the majority of people who are over 70 and 65 whose incomes have been by and large cut in half of their regular earnings or even more, that we are saying that it is up to the community at home to pick up the tab from those people who are still earning money or who are still able to bear the burden of taxation. I further agree with Sen. Downing wholeheartedly, that there are going to be some communities in this state that are going to be hit very hard and that we are going to have to watch for that impact and make the provisions for it, because a town like Hancock, which is a retirement community, is definitely going to be hit as there are a great many people who are 65 or over in that town. Even so I go on record as being in favor of tax exemption for people who have, in my opinion, paid their share of taxes for their share of years. There should be a cutoff point where you are not held responsible for school costs, etc.

Sen. GREEN: In reference to the question, I don't understand the bill as being a broad tax relief for those who are over 65 or 70. I think that the specification is the allowance for people who are in certain financial brackets and I think that section 3, roman numeral two was specific that this would only be for persons who have incomes of less than 4,000 dollars, if single, and 5,000 dollars if married. I don't see the thing in the same light as Sen. Trowbridge explained it.

Sen. TROWBRIDGE: I may be very wrong, but from the area of 65 to 70, I fully understand what you are saying. Is it not true that at the age of 70 the bill goes all the way?

Sen. GREEN: Not as I understand it. I think you are wrong.

Sen. TROWBRIDGE: Alright then I stand corrected.

Sen. FOLEY: Mr. President, four years ago I sponsored the bill which started exemptions for the elderly. The bill passed at that time and since then each bill which has succeeded has given us a little more leeway or help for aid for these people who so badly need help, and at this time I would like to go on record as being in favor of the bill.

Sen. JACOBSON: Mr. President, I fully emphasize the thrust of this bill which provides property tax relief for those who now, generally, do not have the opportunity to earn a sufficient income. However, I would like to also say that there are many young families in New Hampshire who are in their late twenties and thirties who also have insufficient income and what concerns me is that if we continue to grant exemptions, the burden will fall heavier and heavier on this group of people who cannot bear an increased financial burden because they have children to raise on relatively limited income. You may be interested to recall that when Gov. Peterson made his last opening speech to the '71 Session, he said 53% of income tax returns to New Hampshire are under \$5,000.00 net income. Now, what that means is that there are not many rich people running around who can carry the burden. So, I would like to exercise a word of caution that there are many people who are in a financial bind today, and we must find the means to bring full equity.

Sen. PROVOST: It says here complete exemption for a person of 70 years or over. What if a person owns a three tenant apartment house or a three tenant and I say own — and the person is 70. That's also complete?

Sen. TROWBRIDGE: I want to defer, obviously to the committee on this point, in that I was corrected on my thinking it was only over \$5,000.00 income. I think Sen. Downing would be a more proper source of information.

Sen. DOWNING: My interpretation of it Senator, is that it would apply to the residence of the tax.

Sen. SMITH: Sen. Downing, there are a lot of people in this state, particularly in small towns who live in apartments who are well over the age of seventy, they cannot own a home, but they are paying rent. Now, with this burden taken off of homeowners,

increasing the taxes on these old people who rent apartments, would this not be a burden on these people due to the increasing of rent because of the narrowing of the tax basis?

Sen. DOWNING: I don't think so, Senator. First of all, I would just remind you the recommendation was made that in the case that any community is unusually burdened by this exemption that the State should, in fact, reimburse the community out of the Federal Revenue Sharing Fund. However, I said that many of your elderly citizens rent apartments, not out of choice, but because they have been forced there and they cannot afford to maintain the home that they've had for years because of taxes.

Sen. SMITH: You indicate that these people have been forced to live in apartments, over stores, etc. throughout many towns. Are these people not effected by the increase in rent, and that the reason they are there is that they can no longer afford to own their own homes?

You also indicated that towns would be reimbursed for revenue lost from this source. Is there anything in the bill that will take care of that?

Sen. DOWNING: No there isn't, there is no recommendation of the committee and it may not even be necessary.

Sen. JOHNSON: I have checked with our senior senator on this bill. I read him the part about the social security, retirement pensions and veterans benefits that are now exempt from the \$4,000. Is this not new?

Sen. DOWNING: Yes, it is.

Sen. BRADLEY: This may not be exactly the point, but I am curious whether the committee had addressed itself to all the considerations of this bill, and that the five year requirement states, that the person has to be a resident for at least five years before he becomes eligible for this benefit.

Sen. DOWNING: Yes, this was discussed on another bill where they wanted a 25 year residency. Five years seem to be a reasonable qualification.

Sen. BRADLEY: Was there any question raised of the possibility of this being unconstitutional?

Sen. DOWNING: The question was raised and it was decided that it certainly would be constitutional.

Sen. SPANOS: If we were to amend the bill to provide that funds be made available from the tax sharing program to those towns who are going to be hurt by those abatements, would such an amendment and such legislation have legal impact enough so that it could be done, and that it could be, say, forced by whoever is in charge of the federal tax sharing program to do this? And, could an amendment be made to this specifying that these funds be used? The second part of the question is, can we do that?

Sen. DOWNING: The committee considered this and were not sure themselves and did not make any positive decisions as to whether they could do this or not. They did arrive that it is permissible to use the federal funds for this purpose and I would be reluctant to get into an amendment at this point. Possibly before this legislation comes before the House the ability to make such an amendment may be more clearly defined.

Sen. PRESTON: Does this in any way effect the current veterans exemption in any way?

Sen. DOWNING: No.

Amendment adopted. Ordered to third reading.

SB 6

providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire. Inexpedient to legislate. Sen. Downing for Ways and Means and Administrative Affairs.

Adopted.

SB 30

requiring the separate listing of homestead residence property. Ought to pass. Sen. Downing for Ways and Means and Administrative Affairs.

Sen. DOWNING: I rise in support of the committee report Mr. President. There has been a lot of talk in recent years, and the last several years in particular, relative to helping the homeowner and relieving the burden of the homestead tax. During the last session I had the occasion to inquire of the State Tax Commission just how much tax revenue the State actually raises on Homestead taxes. I solicited the help of the Governor's office to get this information for me. Their office did not know,

and didn't have the means available, to find the information. It was suggested that I might sponsor legislation to appropriate \$10,000 to have a special study made. The more I thought about it the simpler the matter seemed to get. Merely by making it a requirement that homesteads be recorded separately by cities and towns, which can be done easily enough on our Annual Inventory Report, a simple question of how much of your total property, or what percentage your total property is your homestead and the use of your homestead, they would have a total dollar value of homesteads available to them. Now when somebody wants to talk about relief to the homeowner, and they know how much money in terms of dollars just how much relief or what they could and what they can't do, and if we find that the decision of having to change our revenue structure, it seems a real possibility based on a decision pending before the U.S. Supreme Court for the funding of School aid, then I think it is very important for us to know how much Tax Revenue was raised by the individual homesteads. This bill would just allow and permit the counties to record it and the State to know.

Sen. BRADLEY: Was there any question raised or has the question addressed by you or the committee as to deciding what land or buildings are appurtenant to a resident means — I know that this was a question that came up without a previous legislation where the Selectmen have had great difficulty on attempting to decide what appurtenant means. I am thinking for example of a farmhouse sitting in the corner of maybe 500 acres which is all contiguous, is the whole parcel appurtenant? Or to take another example, a farmhouse sitting on 1/2 acre of land on one side of the road with thirty acres on the other side is that appurtenant? Do you think we need any more guidelines in instructing the Selectmen who are going to have to answer these questions?

Sen. DOWNING: I feel Section 2 and 3 clearly defines what a homestead residence is. It means property used as a principal place of abode by the owner including the land and buildings appurtenant to the residence where house trailers or mobile homes are used by the residence. If part of the owner's place of abode is used for business the selectman shall enter this in a different column and evaluate that portion of real estate which is used as a residence. So if the farm land is used for commercial enterprise as a business other than a residence, would it have to be processed in another way?

Sen. BRADLEY: Since our discussion may be the only guidelines in the Senate Journal, let me ask a specific question. Would it be the intent of you as a sponsor and of the committee that land which is contiguous to the land on which a residence sits would be included in homestead premises no matter how much land there was there?

Sen. DOWNING: Yes, at this point if that land was solely used by the homesteader it would be part of the homestead and if used for any other purpose, it would be so declared.

Sen. BRADLEY: In a situation where there is a residence on a small portion of land which is separated by something such as a road or something else from other land, which is not used commercially, but is perhaps part of, or was perhaps used in connection with the residence as a yard or as a pasture for pets or whatever. Is it your intention to include that sort of property and non-contiguous property as being part of the homestead for purposes of this law?

Sen. DOWNING: If the land in the general area is part of the homestead, and that's where the resident is living, that would be considered as homestead property as long as it isn't being used for some other purpose.

Sen. TROWBRIDGE: I applaud Sen. Downing for this measure having been involved in the so-called "Trowbridge-Menge Bill" last session. One of the great problems was, of course finding out exactly how much exemption you were giving up, if you allowed homestead exemptions. In answer to Sen. Bradley's question, we did use the word appurtenant on purpose in that bill in that it was desired not to make it have to be absolutely contiguous so that the road situation would be included, namely that the road being, maybe having the land, the person would not effect the contiguous element of the ownership, well it really doesn't matter till you cross the road out of view and you're only using it, as Sen. Downing says, as a view but it is part of the homestead as well. So I agree with his interpretation, and I support this.

Adopted. Ordered to third reading.

SB 31

providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New

Hampshire. Ought to pass. Sen. Downing for Ways and Means and Administrative Affairs.

Sen. DOWNING: I rise in support of the committee report. I would like to explain the relationship to Senate Bill 6. Senate Bill 6 was introduced by Sens. Lamontagne and Sanborn. They agreed that SB 6 should be inexpedient to legislate and to support, along with myself, SB 31 which is exactly the same bill.

There has been a good deal of interest and sympathy around to change these holidays back to the standard historical day. All of the veterans organizations were represented at the committee hearings, and, I am sure that you have heard various feelings that this is a very important piece of our heritage. I certainly think it is very important. I have had the argument that by restoring these days back we will be endangering our tourist trade on the long holiday weekends, and, as you know, New Hampshire greatly depends on their tourist business. However, I really don't think this holds much water because the State will be doing business as always and will probably be more capable of handling this business on holidays. I also do not think that this will effect interstate commerce. There are states now who observe these holidays on the historical day. It is very important to a lot of people that these holidays not be treated so lightly. November 11, Veterans Day, should be observed on the 11th day, the 11th month, and the 11th hour. It is very meaningful to the older people, and it should be to the younger people as well. November 11 should be set aside from any other day to reflect on the price of war.

Sen. SPANOS: I read in the paper a week or so ago that the Governor had, by edict, changed these dates. How does that gel with this legislation?

Sen. DOWNING: Well the understanding of the committee, I feel that I can say, the point was discussed that the Governor can issue an Executive Order and it does effect the State Government for one year at a time. We felt that it would leave a great deal of confusion in the State if it were left that way and the statute itself wasn't changed. That statutory change is required. The Executive Order is a temporary thing. A statutory change will be a permanent change. Taking advantage of being on my feet, in response to your question and point out that there is a resolution to memorialize Congress to change these dates and hopefully the whole Country will be in step before too long.

Sen. BOSSIE: Sen. Downing, would you relate to us the effect of the Federal law that had previously changed these dates and remark whether or not these states permit it under Federal Statute to change these back any day they warrant.

Sen. DOWNING: The state can change back and recognize these days when they want to — some states they say they already have — the state of Oklahoma never did change, you still will not affect Federal employees, but you could affect all the other businesses of the state, all the other people.

Sen. LAMONTAGNE: I rise in support of the committee report and also accept the words that have been said by Sen. Downing. I would like to say again that November 11, and May 30, since it has been changed have not had the same feelings as when they were celebrated on their historical date. I have talked with people who are not even Veterans and they feel the same way that it is not right. We should bring back the feelings we have had for many, many years. I hope that you will pass this bill.

Sen. CLAVEAU: Do you know of any other New England State that has made a change in the Federal Law to that effect?

Sen. DOWNING: I'm sorry Senator, I can't think of an answer right off, I don't think there is another one in New England.

Sen. CLAVEAU: Consideration of the impact this would have on commercial communities, for example, due to holidays, the Federal Government still has its holidays on the Mondays and the state has its on Memorial Day, the thirtieth and on the eleventh of November, so as far as official duties, especially when we are dealing with Inter-State Commerce. In effect, they would have two additional holidays and that they would not be able to continue business as usual except those who travel to Boston, for example, transportation of people which would not be operating in the days that Boston is operating in, or the other New England States and then the reverse on the days of the general holidays.

Sen. DOWNING: I had hoped I had cleared that point up in my opening remarks, but to be more specific, we did, in fact, consider this quite carefully and in some depth and just didn't find there was sufficient concern to merit holding up the change of holidays and put them back where they belonged. In fact

there was a Gentleman Mayor representing a big major industry in the state who said that there was a possibility of an Inter-State conflict here that this just could be a problem and it was recognized and evaluated as it was submitted and the termination of the committee was that it wouldn't cause that much inconvenience or confusion.

Sen. CLAVEAU: How about the case of the Federal Agencies being closed like the Federal Buildings and the Post Offices, did you consider that effect?

Sen. DOWNING: Yes, and it wasn't considered a great inconvenience at all.

Sen. CLAVEAU: I rise in opposition to the proposed bill. I do this with mixed emotions as I am a veteran of nine and a half years in the military, veterans of World War II and the Korean War and I feel very strongly about Memorial Day, but I think that there is a question here as no other state in New England has adopted this and it would create some conflicts and hardships to the commercial community and I have been approached by many in the transportation business who have asked me to oppose the bill. Therefore, I would like to go on record as being opposed to the bill.

Sen. SANBORN: Mr. President, I rise in support of SB 31. I want to congratulate Sen. Downing for the presentation that he made on this bill, and I would like to answer the other Senator's question relative to the various states in New England that there are Veteran's Organizations throughout New England and throughout the country who are preparing bills and recommendations to the various Houses in all states to make this change, mandated by the various national conventions to do so.

Mr. President I would like to bring to the attention of the Senate a little of the history of both Memorial Day and Veterans Day. Back over a hundred years ago in 1863, if I am not mistaken, there was a town in Columbus, Mississippi. The blue-bladers of that town went to the local cemetery and decorated the graves of their fallen fathers, husbands, sons who had lost their lives at that time in the great Civil War. In one corner of that cemetery they came across the graves of two union soldiers who had lost their lives in a nearby skirmish. Without bothering to think about who was there, they decorated the graves

of the two union soldiers in the same manner they did their own loved ones. A little later the word had spread about this act and a poem was written. It was used many times on many memorial day exercises in the years later . . . "by the flow at the end of the river which fleets of iron have fled, where the blades of the green grass quiver, Asleep are the ranks of the dead. Under the sod and the dew awaiting the judgment day, under the one the blue, under the other the grey. The war ended in 1865 and the men went to their various homes. The men of the union armies formed themselves into an organization known as the Grand Army of the Republic and their first commander was General John A. Logan. In the year 1868 he issued what is now known as general order number 10 and I would like to quote part of that general order. "The 30th of May 1868 is designated for the purpose of strewing flowers or otherwise decorating the graves of comrades who died in defense of their country. We shall guard their graves with sacred vigilance let no wanton foot tread rudely on such hallowed ground. Let no ravages of neglect, no ravages of time testify to the present or coming generation that we have forgotten as a people the cost of a free and undivided republic. The Grand Army kept that promise. They kept it through the years. Their ranks grew thinner and thinner. World War I came along — it has already been mentioned. Now at the eleventh hour of the eleventh day of the eleventh month of 1918 that war came to a close. A great silence fell on the front, the men came home and they formed themselves into organizations, the veterans of foreign wars and many others. But they did one thing these thin ranks of the grand army. They accepted general order number 10 and carried on the tradition of remembering the 30th of May as a day to remember those who had sacrificed, given the greatest sacrifice that any person could ever give, is their lives for their country. Later on the 11th hour of the 11th day and the 11th month became known as Armistice Day. As has been previously stated World War I was considered to be the war to end all wars. Today we look back and consider how foolish that was. However at the end of World War II, and if you remember that World War II had two endings one in Europe and one in the Pacific. We came back from service in that war and the grateful congress said "no we can't have too many holidays here." Change the name of Armistice Day to Veterans Day and honor those of all wars. So we have actually, of the three hundred and sixty five days in

a year, two days set aside as remembrance. One set aside to remember the veterans and all people who have given their lives for their country, protecting it. The other day is more joyful in a way but for one moment of the 11th hour of the 11th day of the 11th month let us pause to remember that silence that fell on the great western front and that silence has fell on many fronts, in World War II, in Korea in the 50's when the fighting ceased. Mr. President and Senators, I hope and pray for all veterans and those others that you will consider favorably this bill that returns May 30th to the original date that it was intended over a hundred years ago and put Veterans Day back to the 11th hour of the 11th day of the 11th month.

Sen. PRESTON: I think it is only fitting that the committee report be as follows: In recent times I think that veterans have received less recognition and acclaim than in the past. I think that the Senate is to be commended for allowing us to stand up and lead the way to further dignify the great sacrifices that have been made by the veterans.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I am very surprised that Sen. Claveau has brought up transportation companies. Transportation companies are not in opposition. I am a great supporter of transportation and the trucking industry. Personally I cannot see where it is going to create any harm any more than it would be for the mail carriers and for the people who are transporting mail. Now you know how the federal government has made quite a change as far as actual holidays and therefore they have stopped the mail completely. Mail is important but still no one seems to be criticizing the transportation of mail. I see no harm whatsoever that this is going to damage any of the transportation companies. There was someone in our committee hearings that asked for an amendment to this bill so that all stores would be closed until 1:00. I am the one who sponsored and I say please do not put any amendments to this bill. Let this bill go by on its own merits. If you feel that you want to adopt that amendment, then have a separate bill and it should be that way. Right now I am sure that all the veterans organizations are 100% behind this bill and you would be surprised to see how many people who are not veterans, who have signed a petition in favor of changing the dates to November 11th and May 30th. I urge you to vote on this bill as it is.

Sen. CLAVEAU: For the benefit of the Senator from the 1st district I would just like to say that I am as capable of representing my constituents as he is of his. I am well aware that the veterans are in favor of this bill and rightly so but as I said before I have had requests from some of my constituents and I am trying to express their feelings here. But I have adjusted myself psychologically and I think many people have, too, to observe Memorial Day and Veterans Day on a Monday. I think it is convenient for the fact that everything is closed throughout the country and as I said before I have mixed emotions and I think I did what was right and I just thought I might express those words in view of the remarks of the Senator from the first district.

Adopted. Ordered to third reading.

ANNOUNCEMENTS PERSONAL PRIVILEGE

Sen. FOLEY: Mr. President, as minority leader of the Senate, I should like to make a few remarks at this time.

It is not the intention of the Democratic party to be critical of the Executive just for the sake of being critical. If the Governor does something that we feel is NOT in the best interests of the people of this state, we shall stand and make our feelings known. On the other hand, if the Governor does something that we feel is IN the best interests of the state, we shall be the first to applaud his actions.

This morning, I should like to congratulate the Governor for his nomination of Robert Duvall for reappointment as Labor Commissioner for the State of New Hampshire. Mr. Duvall has done an excellent job in this capacity and is well known and respected in all parts of this state and his reputation for fairness is known to all.

The minority salutes Governor Thomson for this wise nomination and hopes that this will be one of many that we shall have the opportunity to applaud.

Sen. JACOBSON: Mr. President, for the purposes of making a motion, I move that the committee on Executive Departments be empowered by the Senate to study the Arthur D. Little Report and make a subsequent report to the Senate.

As all of you know, this is a massive piece of material and it seems that it would be a waste of \$180,000 if this body did not make some effort to give this report a thorough analysis and come forward with recommendations. My intentions as chairman is hopefully to have representatives from Arthur D. Little Co. meet with the committees to give us further information so we can get the full benefit of the personnel study. If we do not do anything with the report, we should be reprimanded for spending \$180,000 and not getting the full benefit from it.

Sen. FOLEY: I move that rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time and that when we adjourn, we adjourn until Tuesday at 2:00 p.m.

LATE SESSION

Third reading and final passage

SB 2, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years of age or older, under certain circumstances.

SB 30, requiring the separate listing of homestead residence property.

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

Adopted.

Sen. Downing moved for reconsideration of SB 2, SB 30 and SB 31.

Motion lost.

Sen. Sanborn moved adjournment at 1:05 p.m.

Tuesday, 30Jan73

The Senate met at 2:00 o'clock.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Father of us all, we humbly ask Thee to bring order and understanding to this Senate. With Thy help there can be no confusion, just peace and order in their particular work.

Help us not to be discouraged in our struggles — understand each request that we have made to better our lives. Not for our individual glory — but for the good of all. Give us self humility and insight of the needs of this great State.

All these things we ask in Thy name.

Amen.

Pledge of Allegiance was led by Sen. Bossie.

HOUSE MESSAGES

First, second reading & referral

HB 35, relative to the distribution of court reports to various officers and bodies. Referred to Judiciary.

HB 36, relative to the notification of foreign corporations of suspension for nonpayment of fees. Referred to Executive Departments, Municipal & County Governments.

HB 37, relative to filing first annual returns by corporations. Referred to Executive Departments, Municipal & County Governments.

HB 39, relative to the prohibition of county commissioners from simultaneously holding any other county office. Referred to Executive Departments, Municipal & County Governments.

HB 46, relative to the mode of hunting deer in the town of Chester. Referred to Recreation & Development.

HB 90, relative to removing the limit on horned pout. Referred to Recreation and Development.

HB 105, relative to setting traps for the taking of fur-bearing animals. Referred to Recreation & Development.

HB 113, relative to taking fresh water smelt by bait dealers. Referred to Recreation & Development.

HB 114, prohibiting persons from seeking or holding the position as a member of the general court and county commissioner at the same time. Referred to Executive Departments, Municipal & County Governments.

HB 32, providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection. Referred to Public Works & Transportation.

FURTHER HOUSE MESSAGES

First, second reading & referral

HB 213, allowing Manchester to start its decennial verification of its checklist on February 1. Referred to Manchester Delegation.

SUSPENSION OF RULES

Sen. FERDINANDO: Mr. President, I move that the rules of the Senate be so far suspended to allow HB 213 to be put on second reading now.

Sen. SPANOS: Would you kindly tell us what this bill is about?

Sen. FERDINANDO: Mr. President, what this bill does is to allow Manchester to start February 1st instead of April 1st. The existing statute says that between April 1st and August 1st the people are forced to re-register. Because of the 55 thousand registered voters in Manchester, it is felt that it would not be sufficient time to allow them to register everybody. For that reason, our Manchester Delegation feels that the bill is in the interest of the voters in Manchester, and we urge the adoption of the bill.

Motion adopted.

COMMITTEE REPORT

HB 213

allowing Manchester to start its decennial verification of its checklist on February 1. Ought to pass.

Adopted. Ordered to third reading.

HOUSE CONCURRENCE

SB 39, to enable the City of Berlin to provide ambulance service to adjoining towns.

ENROLLED BILLS REPORT

SB 39, to enable the city of Berlin to provide ambulance service to adjoining towns.

Sen. Provost
For The Committee

ANNOUNCEMENTS

The CHAIR: I hereby appoint Sen. Green to the State Council on Aging which is provided under RSA chapter 167-A of the Senate, and Sen. Trowbridge to the Legislative Space Committee replacing John Bradshaw.

Sen. SPANOS: Mr. President, may I take this opportunity to thank the unknown party who surreptitiously delivered to me in the midnight hours, this imaginative gift — Aunt Jemima Pancake mix and N.H. Maple Syrup.

I shall take them to the Governor's Mansion in the near future in case Mrs. Thomson runs out. Notwithstanding my remarks of last week, I want to make it crystal clear that I have a great fondness for pancakes and syrup.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time and that when we adjourn, we adjourn until Wednesday at 2:00 and with our prayers for a speedy recovery of Richard Thompson who was injured last Saturday and who is the twelve year old son of Marianne Thompson, aide to the minority in the Senate.

Adopted.

LATE SESSION

Third reading and final passage

HB 213, allowing Manchester to start its decennial verification of its checklist on February 1.

Adopted.

Sen. Provost moved the Senate adjourn at 2:35 p.m.

Adopted.

Wednesday, 31 Jan 73

The Senate met at 2 o'clock.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh Lord God, hear our prayers today as we set forth to do our work.

Stop us from being overzealous in our own ideas.

Let us look around us as we plan our work for the betterment of this State Government.

Let us listen to the goodness of each suggestion made by our colleagues and tear down the walls of indifference we may feel for each other. Let us go forth with our work in the comprehension and respect for each other.

All these things we ask Thy help in Oh Lord. Amen.

Pledge of Allegiance was led by the Hon. Kimon S. Zachos, Deputy House Speaker.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 40, relative to the distribution of district court fees. (Trowbridge of Dist. 11 — To Judiciary.)

SB 41, relative to increasing the amount of homestead. (Spanos of Dist. 8 — To Ways and Means and Administrative Affairs.)

SB 42, relative to excepting certain pupils from authorized regional enrollment area school agreements. (Trowbridge of Dist. 11 — To Education.)

ENROLLED BILLS REPORT

HB 213, allowing Manchester to start its decennial verification of its checklist on February 1.

Sen. Provost
For The Committee

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 44, to abolish the water commission in the town of Meredith and transfer its functions to the selectmen. Ought to pass. Referred to Executive Departments, Municipal & County Governments.

HB 45, relative to secretary of state transferring reports of state agencies to state library. Referred to Executive Departments, Municipal & County Governments.

HB 47, relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home. Referred to Ways & Means and Administrative Affairs.

HB 78, authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire bank. Referred to Banks & Insurance.

HB 104, relative to changing the structure for determining aircraft registration fees. Referred to Public Works & Transportation.

HB 121, relative to exemption from resident tax of members of the armed forces. Referred to Ways & Means and Administrative Affairs.

HB 125, relative to propagating or possessing for sale wild turkeys. Referred to Recreation & Development.

HB 130, relative to the rules of the road. Referred to Judiciary.

HB 185, relative to the charter of the town of Hanover. Referred to Executive Departments, Municipal & County Governments.

HB 201, changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge. Referred to Public Works & Highways.

COMMITTEE REPORTS

SB 10

relative to the crime of assassination or attempted assassina-

tion of a candidate. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: This bill, as it was proposed, would have made a special crime for the assassination of the President, U. S. Senator, Congressman or State Governor. It has been brought to our attention that there already is federal legislation covering the plotting of the assassination of a President, U. S. Senator, or Congressman. There is no special bill dealing with a State Governor or Governor's officials. However, we felt that the existing legislation, especially the law relating to murder, is sufficient for dealing with this. There was some feeling on the part of the committee that the crime of assassination, if it meant anything different than murder, would create an ambiguity in the law which was unnecessary. The recommendation of the committee is to rule SB 10 inexpedient to legislate.

Adopted.

SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow HJR 2 to be placed on second reading today without prior notice in the Journal.

Sen. TROWBRIDGE: We had a public hearing, it is only that the deadline for this bill is tomorrow so that is why we are asking to bring the report in today. There was no opportunity for us to bring it in and have it in the Journal today, that is why I am asking for a special rule.

Sen. DOWNING: Mr. President, the motion, or the requirement of the motion isn't clear.

Sen. TROWBRIDGE: The rules of the Senate require that the Committee Report be posted in the Journal saying whether it ought to pass or be inexpedient. Since we only had the Hearing today and we've had no opportunity for our Committee Reports to be in the Journal in that the deadline on this particular budget is tomorrow so that is why I am asking for your consent to suspend the rules only for the printing of the Committee Report in the Journal.

Sen. DOWNING: Senator, the Journal is not scheduled for action until tomorrow. Wouldn't that be the time to suspend the rules?

Sen. TROWBRIDGE: The Bill should be passed and signed by the Governor by tomorrow; since we have to do it today so that is why I have no opportunity but to ask suspension of the rules on bringing it in today.

Sen. JACOBSON: I think I heard you say that it had to be done now because of some problem, but I don't read the problem in the bill. It talks about Fiscal '73 that doesn't end until June 30.

Sen. TROWBRIDGE: If I could get to the question, I will then explain the bill. I will be happy to explain the motion if you'd like now, so you'll know why, if that is in order, Mr. President. I could explain the bill now on the motion to suspend the rule.

Sen. NIXON: Why don't you explain the merits now. I don't know, but I think that is what they want.

Sen. TROWBRIDGE: I am happy to. In the budget for Fiscal '73 in the Department of Agriculture, there was an item in operating expense for Postage and after July 1 of last year, the Federal Postal Officials declared the Market Bulletin, that is put out weekly by the Department of Agriculture, was no longer to be entitled to its non-profit status. Hence, the postage bill for mailing then went up 566% overnight. As soon as the Department of Agriculture got wind of this, they raised their rates from about \$3 per year to \$4 per year to cover the expenditure. The money is coming in but there is no authorization to spend more than \$7,500.00 for postage on the line item. They have the money in hand, they are collecting it now out of the new renewal fees at a higher rate, but they have no authorization to spend it. The second point in the bill is the fact that the In-State travel for their Inspectors, the Department of Agriculture Inspectors, has been used up and as of Feb. 1, they have no more Instate travel fees — that means the Inspectors from now, until June 30, of 1973 would have to sit in the State House and when they go on inspections they obtain fees for inspections which would bring in approximately \$12,000 over the rest of the Fiscal year, but they have to have the \$3,500 of expense in order to make the inspections in order to get the money. So this is a housekeeping bill for the Department of Agriculture, as passed by the House. It is quite clear to me and the Senate Finance Committee that this is proper and the only thing is that a Joint

Resolution goes into effect at the moment of passage and as of Feb. 1, is the date that he runs out of operating expense for Instate mileage. That is why we are now asking for this \$10,000 which is an expenditure appropriation.

Sen. JACOBSON: I think the confusion lies in the fact that your explanation is very clear. The confusion lies in the fact that it speaks about a deficit but, in fact, you are not speaking about a deficit, you are in fact speaking about increasing the original appropriation.

Sen. TROWBRIDGE: You are speaking about the authority to spend money. You can't spend more than the line item. They have money in, they can't spend it without the \$10,000.00 of expenditure.

Sen. JACOBSON: I am correct in saying that you actually have money.

Sen. TROWBRIDGE: Yes.

Sen. JACOBSON: So that we are not spending more money than we already have, is that correct?

Sen. TROWBRIDGE: As I understand as the renewals are going on this postage thing that extra dollar is more than bringing in the amount to take up the postage account.

Adopted.

COMMITTEE REPORTS (Continued)

HJR 2

providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards. Ought to pass.

Adopted. Ordered to third reading.

PARLIAMENTARY INQUIRY

Sen. SPANOS: Mr. President, on a Parliamentary Inquiry if I may. May or may not the Senator who asked for the suspension of the rules after the time he offers the motion is recognized by the Chair — may or may not that Senator give a brief reason for his desire to suspend the rules, even going to the merit of, without having to wait until the suspension and then discuss

the merits, or do we have to wait and ask the Senator what he is asking the suspension of the rules for? That is my question.

The CHAIR: I can assure you that as far as I know about the matter you can discuss the merits briefly for purposes of justifying the motion. That will be the ruling of the Chair in such cases.

ANNOUNCEMENTS

Sen. SPANOS: As you know, the second session of the State Senate outside of Concord was scheduled for February 8th at Newport.

However, due to the fact that this date conflicts with the schedule of a half-dozen Senators previously committed to other engagements, we have decided to hold this session on February 22nd at Newport High School at 7:00 p.m. with a supper for the Senators and wives and husbands and the accompanying staff at 5:00 p.m.

I hope that all of you will make your plans for that date which happens to be Washington's Birthday and help avoid conflicts. Our office will be checking with all of you in the near future to determine those of you who will be attending.

Sen. FERDINANDO: I move that we consider meeting at 1:30 instead of 2:00 p.m. I have talked with some of my fellow Senators and I find that some want to meet at 1:00 and some want to meet at 2:00, so I thought I would compromise and ask that we meet at 1:30.

15 voted for 1:00.

3 voted for 1:30.

3 voted for 2:00.

The majority voting for 1:00, the Senate will meet commencing next Tuesday at 1:00 p.m. until further notice.

The CHAIR: In the Chair's absence the bills which require the signature of the Senate President can be exercised by the Vice-President, the Majority Leader and the Minority Leader.

Sen. JACOBSON: The calendar that was printed yesterday scheduled four Senate Bills. Due to problems, four of the bills have been removed and replaced by other bills, namely House Bills. If you would give attention to this.

Sen. JACOBSON: In view of Sen. Spanos's earlier statement, will we have a regular meeting on Thursday?

The CHAIR: Probably not, due to scheduled committee hearings.

PARLIAMENTARY INQUIRY

Sen. TROWBRIDGE: In order to place amendments and committee reports in the Journal. As I understand it, if one has an amendment or a committee report, that amendment especially, should appear in the Journal on the day before the day it comes up for a vote. Where it is scheduled for Thursday it should appear somewhere either in this calendar or in the Journal for Wednesday so that the Senators can read it overnight and know what they are coming to for the amendment for the next day. However, I have been told no, that is not the interpretation of the Senate and that it in no way has to come up on the day of the vote. I would like a clarification of that rule because I put in the amendment on SJR 2 which we are going to discuss tomorrow in New Boston but it wasn't published in your calendar today. Now, it will be in your calendar tomorrow, but my intention had been to comply to the rule to have it in two days in the Journal. I wasn't trying in any way to go around the rules but it just has happened.

Sen. NIXON: The Senate rules that bills be published on the day they are to be considered. Maybe we should have a committee look into it and give us a report.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time and that when we adjourn, we adjourn until tomorrow night at 7:30 in New Boston.

Adopted.

LATE SESSION

Third reading and final passage

HJR 2, providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards.

Sen. FOLEY: I move that the Senate adjourn out of respect to George Brummer, Representative in the House of Representatives who died unexpectedly yesterday.

Adopted at 2:45 p.m.

Thursday, 1Feb73

The Senate met in New Boston at 7:30 p.m.

A quorum was present.

Prayer was offered by the Rev. Walter R. Poole, Pastor of the New Boston Baptist Church.

Almighty God and Heavenly Father, we come to You tonight with hearts filled with praise for the many blessings You have bestowed on us. Although we know that we are very often unworthy of the least of your good pleasure, we are thankful for our land and our Nation, and particularly, this State of New Hampshire because it is our home. We are thankful for this meeting tonight and we pray that it will give us a better idea of how our government works.

And we pray that this government will work, that it will rise above sometime petty differences and deal with the real problems that face our State. You have said in Your Word that if any lack wisdom that they should ask it of Thee.

We pray for these Senators here tonight that You would give them and our Governor and Representatives the wisdom that they need.

Help us Lord to do for ourselves the things we are able to do instead of looking to Government for these things.

We pray that You would also send us a spiritual awakening in this State and land.

Guide us now in this meeting tonight for we ask this in the name of the Saviour, Jesus Christ.

Sen. NIXON: Post No. 19 of the American Legion will present the Color Guard. Commander James Dane and members Robert Bose, Jerry Kennedy, and Dennis Hooper.

Pledge of Allegiance was led by Harold Strong, Selectman, Town of New Boston. Welcome by Mr. Roland Sallada, Chairman Board of Selectmen, New Boston.

I would like to introduce to you myself, Mr. Harold Strong, our other Selectman. Mr. Strong has been a Selectman here for eighteen years and certainly knows his way around his office here. We have only two.

I would also like to introduce Rev. Walter Poole, Chaplain of the New Boston Baptist Church. Also for the board of Selectmen and for our citizens here tonight, I would like to officially welcome all of our Senators and to say that it is a pleasure to be part of the new first meeting outside of the Senate chambers. Bringing the Government to the town is an honor to see how government works and we will all benefit from this evening's experience. I would like to take this opportunity while I am introducing some people to introduce some of the Representatives here tonight, and I will apologize if I miss any of them. Representative Marjorie Colburn, New Boston, Francestown; Rep. Thomson, Weare; Rep. Fletcher, Goffstown; Rep. Dwyer, Merrimack; Rep. Geiger, Merrimack; Rep. Alice Knight, Goffstown and Merrimack County Commissioner Peter Spaulding.

One other person I would like to recognize is our neighboring Selectman, Mr. Robert Wheeler.

Inasmuch as the newspapers have billed this as "a traveling road show," it's about time we got the show on the road.

I think at this moment congratulations are in order to our local Sen. David Nixon for being elected to the Presidency of the Senate. Congratulations, Dave. I think this will bring our state Governments to us. I would like to introduce Sen. David Nixon and turn over the meeting to him.

Sen. NIXON: I would like to accept on behalf of my fellow Senators the gracious welcome, and to welcome those who have taken the time to come to see how your government operates. I would also like to thank our 23 distinguished, intelligent fine Senators who in spite of the inconvenience came here tonight so that the people of New Hampshire would have an opportunity to see how one branch of New Hampshire Government works. New Hampshire Senators receive \$100.00 a session plus mileage. So you can see that most of them rely on other means to support their families. At this time I would like to introduce the Senators by name and district.

Introduction of Senators.

Sen. NIXON: Before we begin our regular Senate session I have the honor and privilege to present our New Hampshire State Legislative Historian Mr. Leon Anderson who is in the process of putting together a history of the State Senate, this being the 300th year of State Government and the 180th year of the New Hampshire Senate. Mr. Leon Anderson.

LEON ANDERSON: It is nice being here and I was a little wary in accepting as, the last time I was in New Boston some 10 years ago, I addressed a graduating class at the High School and the school went out of business after that. Incidentally, I have never heard a Senate President say so many nice things about his fellow Senators. I thought I might tell our Senate friends about New Boston. New Boston began, and it was named after Boston, maybe some people don't like to think about that now, but it began in 1887 and they say there was some 45 buildings here, I don't think there are any more than that here now. This is the home of The Molly Stark Cannon. I have got some history to go with John Stark here. I only have 150 copies so I would ask that there be only one to a family. If any of you don't get one, write to me at the State House in Concord and I will send it to you. You people in New Boston should prize our President Nixon pretty highly. He is quite a rarity. He is only the third Senator from New Boston. There were two before him, Robert Cochran 1854-56 and George Wason 1883. I didn't know either one of them. Now a little bit about this Senate. This is the first time in the history of New Hampshire since 1784, when the permanent constitution created our State Senate that the Senate has met by itself without being watched by the House. Originally there were 12 people in the Senate that were supposed to represent wealth. There remained 12 people until 1887 when State Government was reorganized. In 1878 State Government was changed into biennial sessions and the Senate changed from 12 people to 24. It was felt that this would improve it, and when you look at it tonight it doesn't look so bad. In 1889 after they had met, after two years, the House and Senate started to stay too long. It was at first 35 to 40 days, then 70 to 75 days and then 80 days. At this time they had a constitutional convention and voted to give the Senators \$200.00 and the sooner they went home the better. If they worked less than 40 days they still got the \$200.00. Since then life has been getting more complex. To-day even prison inmates get more than this. I hope that some day we can make up another formula. Why don't we have a constitutional amendment that allows our legislators to be paid the same wage as the average working man in New Hampshire which is \$110.00 per week or \$22.00 per day? \$22.00 a day multiplied by 90 days is really not too much, then if we hit a depression and wages go down for the common man, their wages can go down.

In the Senate, like the House, every member is allowed to introduce bills into the Senate and we have hearings on all of them. No other state in the union has that. Here we have hearings on all bills. In other states if their bills are not liked for some reason, they end up in coat pockets and are never heard from again. Fifty years ago we passed 64 pages of new laws. Now we have over a thousand pages of new legislation. Now I have done some research here tonight. I found New Boston to be a very productive town. We had a lovely buffet, Mrs. Nixon was very nice, I found six kids, 4 dogs, eight cats, horses, etc.

I will pass out the Stark pamphlet and would like to stretch them out. Thank you.

Sen. NIXON: We will now proceed into regular session. During every session, one or more of our Senators have guests attending the session. I think this is good for the Senators, and these guests are introduced during our regular sessions. Many of our Senators have their wives or guests with them tonight and I would be pleased to have them introduce them if they are so inclined.

The Senators Introduced their wives and guests.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 43, requiring persons engaged in the hunting of big game animals to display on their person a minimum amount of color known as hunter orange. (Sanborn of Dist. 17 — To Recreation and Development.)

SB 44, relative to the notice required for the lay out of class IV, V, VI highways. (Bossie of Dist. 20 — To Public Works and Transportation.)

SB 45, increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal. (Bossie of Dist. 20 — To Judiciary.)

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city. (Bossie of Dist. 20 — To Special Committee: Manchester Delegation.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 160, increasing the lending limit of trust companies on real estate mortgages in New England. Referred to Banks, Insurance and Claims.

HB 56, making certain corrections in statutory references to gambling. Referred to Judiciary.

HB 140, relative to additional requisites for approval of subdivisions by planning boards. Referred to Executive Departments, Municipal and County Governments.

HB 101, relative to aircraft financial responsibility. Referred to Banks, Insurance and Claims.

HB 103, to provide for the disposition of abandoned aircraft. Referred to Public Works and Transportation.

HB 62, relative to the incorporation of a state bank or trust company. Referred to Banks, Insurance and Claims.

HB 200, relative to right of entry upon any lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same. Referred to Recreation and Development.

HB 131, relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish. Referred to Recreation and Development.

HB 143, relative to the form of fish and game licenses. Referred to Recreation and Development.

HB 4, providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid. Referred to Banks, Insurance and Claims.

HB 89, relative to stallions running at large. Referred to Judiciary.

HB 65, establishing a fee for duplicate copies of photographic licenses. Referred to Executive Departments, Municipal and County Governments.

HOUSE CONCURRENCE

SB 24, relative to securing loads of wood products on motor vehicles.

ENROLLED BILLS REPORT

HJR 2, providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards.

Sen. Gardner
For The Committee

Sen. NIXON: I think this is an appropriate time to explain the reading in of bills. Each bill is given two readings by title alone and then referred to a committee. The committees do their work by hearings. I think this might be the time to introduce the people who work in the Senate. Mr. Bill White, Clerk of the Senate; Mr. Carl Peterson of Litchfield, Assistant Clerk; Mrs. Bonnie Nolin, who is taking down, with the help of a recorder, what is being said here tonight; our Sergeant at Arms, Mr. Milo Cheney of Rumney. In addition we have another security doorkeeper, Mr. Willard Gowen of Wentworth.

I would like also to record my personal appreciation to my Administrative Assistant, Mr. Wayne Beyer of North Conway, for his invaluable assistance in supervising the preparations for this meeting.

COMMITTEE REPORTS

SJR 2

providing a supplemental appropriation for school building aid. Ought to pass with amendment.

AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of two million nine hundred fifty-eight thousand eight hundred thirty-three dollars and forty-nine cents is hereby appropriated for the fiscal year ending June 30, 1973, to be expended by the state board of education to meet the deficit in the appropriation for school building aid for fiscal year 1972 and fiscal year 1973 for carrying out the provisions of RSA

198:15-b, amount of annual grant. The funds hereby appropriated shall not lapse and the amounts to be distributed in each school district shall be paid in two equal installments, the first installment payable within ten (10) days after passage of this joint resolution in fiscal year 1973 and the second installment shall be payable after July 1, 1974 but before August 1, 1974. The amounts to be paid pursuant to this joint resolution shall be in addition to any other school building aid to which a school district may be entitled in fiscal years 1974 and 1975. The first installment payment may be applied by a school district to offset any loss in any one or more other revenue sources from the amount anticipated for the fiscal year 1973, not to exceed the total amount of the loss, so that the full amount appropriated by the school district for that fiscal year is available as needed. Any amount of the first installment payment that is in excess of the total amount appropriated by the district for the fiscal year 1973 must be available as of June 30, 1973 to apply as revenue for the fiscal year 1974, unless the district votes at an annual or special district meeting to authorize the expenditure of that amount prior to June 30, 1973. In the event that the payments authorized by this joint resolution, together with any other school building aid to which a school district may be entitled in fiscal years 1974 and 1975, exceed the total debt costs of a school district for school years ending June 1974 and 1975, then the payments hereby authorized may be expended by the school district for any school purpose within the amount appropriated. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Sen. TROWBRIDGE: I rise in strong support of the committee report on SJR 2. We all remember all too well the difficult days of the 1971 Session during which the deficits from the Business Profits Tax forced State Government to retrench to the tune of some 12%. Trying to cut all budgets by that amount across the board was unsuccessful because we found that a small cut in the state share of welfare, for instance, brought about a much bigger reduction in the federal share, thus cutting welfare benefits to 56% of their prior rates. Such reductions were just inhuman so that we had to look for other means of balancing the budget.

We came down, at the end to a terrible Hobson's choice. Either we denied the state employees a cost of living raise which

would still leave them the lowest paid employees in the New England States, or we had to deny some grant in aid programs. The employees, having no other source of funding, were given the raise but that meant that School Building Aid was cut drastically to approximately half of the level promised by the state.

It is interesting to note that this was not the first time the state had failed to meet its school building aid requirements. In 1963, 1965 and 1967 the amount appropriated failed to meet statutory requirements by as much as \$500,000 but this was an honest miscalculation of how much aid would actually be required. More importantly, it was immediately restored in a deficit appropriation. Never before had the Legislature deliberately reneged on School Building Aid.

There is no point arguing the merits or demerits of that decision except to make sure that the record shows that we recognize (1) that we had a recognized obligation to the School Districts and (2) that the only thing which made us renege on the promise was the lack of funds.

Now we are informed that there is a budgetary surplus for fiscal 1973 which could range from 7-10 million depending on who you listen to. The amount owed to our school districts is \$2,958,833 for fiscal year 1972 and 1973. Accordingly, now that it appears that we do have sufficient funds, the first priority of the Senate Finance Committee is to repay that debt to our own people as soon as possible.

SJR 2 was introduced by Sen. Downing. It called for repayment of one year only, Fiscal 1973, but at the hearing Sen. Downing readily agreed that if the full \$2,958,833 could be repaid he would agree. In the testimony before the Committee, Commissioner Paire recited the fact that there are 8 school districts in the southern part of the state who are holding double sessions in crowded schools because people cannot be convinced to vote a bond issue as long as the state's share remains in doubt. By the same token, the School District officials who appeared, agreed that to have the full amount repaid in one year would so reduce property taxes for that one year that it would make it difficult to come back up to the normal level in the next year. So we have designed the amendment to provide for 2 payments rather than one.

Another aspect which was brought up at the hearing and

thereafter is that some communities could lose some of their *Federal Impact Aid* in this current fiscal year of 1973 ending June 30, 1973. In some of the cities this could amount to as much as 60-70. We do not know whether this will happen but it seems prudent to provide for the contingency knowing that if the decrease does not occur, the balances can be brought forward.

Accordingly, we have allocated the full \$2,958,833.49 out of 1973 funds. We have specified that $\frac{1}{2}$ should be paid within 10 days after the resolution passes, hopefully before March 6 so that our communities will know what they have *in hand* to rely upon for fiscal 1974. The second payment would be made after July 1, 1974, but before August 1, 1974, to put the payment into Fiscal Year 1975 (to avoid the big drop referred to previously). If the 1973 payment is needed for 1973 deficits, it can be so used. These payments shall not lapse and if the payments exceed that needed for debt service (in most cases they will), then they can be used to reduce taxes. Sen. Sanborn will report payments to individual towns. New Boston \$3266.

I think we have provided for every contingency and I urge passage of the Committee Amendment. I will answer any questions.

Sen. SPANOS: At the hearing did any member of the administration appear pro or con?

Sen. TROWBRIDGE: No. The Commissioner of Education came. All testimony was pro. Only the education department and administrators of several schools appeared.

Sen. R. SMITH: Will this payment be over and above the approved amount the towns are entitled to?

Sen. TROWBRIDGE: Yes, in addition to what will be allocated for school aid in the next two years.

Sen. BRADLEY: Could you explain what it means that funds will not lapse?

Sen. TROWBRIDGE: If in any budget a number of dollars are approved for a purpose and are not used, they lapse. We are saying that will be in addition to what you are going to get next year. They put in and even if they do not use it entirely they can carry it forward.

Sen. JACOBSON: To further pursue the question of Sen. Roger Smith. These funds do not lapse, therefore they are payments that would have been made before July 1973.

Sen. TROWBRIDGE: We are saying the funds are appropriated on 1973 funds in two installments. One in 1973 and one in 1975.

Sen. LAMONTAGNE: We have a problem in Berlin. We had a new school built and were promised construction money. Will the city of Berlin be reimbursed for some buildings that have been made by previous commitments? We were stuck paying the whole thing.

Sen. TROWBRIDGE: If they are entitled to it. What happened in fiscal 1972-73, they were owed additional money under this bill they will receive it in two installments.

Sen. DOWNING: I rise in support of the committee report. I, too, go along in reestablishing our commitment on the building aid program. Just to give you an idea of the amount of money coming back to the communities: New Boston, Goffstown, Dunbarton amounts to \$40,700.00; Berlin, \$30,085.50; Concord, \$51,101.55; Keene, \$91,569.40; Laconia, \$31,733.09; Manchester, \$327,808.48; Nashua, \$106,097.54; Portsmouth, \$104,981.85; Salem, \$99,066.74; Timberlane Regional, \$87,844.75. Remember that is money owed to communities, money available now.

Sen. FOLEY: I rise in support of this Senate Joint Resolution with amendment. Towns and cities plan their budget revenue based on the amounts promised in New Hampshire laws and resolutions. Their annual grants were not honored in full and this resolution with amendment will financially cover this deficit. Every city and town in the State will be helped. Portsmouth will be badly hurt through loss of Federal funds. We are already on double sessions in Portsmouth. The minority wishes to go on record as favoring this important piece of legislation.

Sen. LAMONTAGNE: I hope that the Senate will understand I do really support this bill very much. I wonder whether Sen. Trowbridge would answer another question. Did the finance committee go into Revenue Sharing? Could Revenue Sharing go into consideration?

Sen. TROWBRIDGE: We did not discuss Revenue Sharing fund programs. When we made our decision there would not be enough money in State funds. Now we find this is not true. We have five to seven million dollars in revenue. I don't have to look to revenue sharing. We have not discussed anything in revenue sharing funds. The money seems to be there.

Sen. LAMONTAGNE: Is there any way the Finance committee could look into revenue sharing into communities who have been hit real hard like Berlin who got hit for \$30,000?

Sen. TROWBRIDGE: There is no question. Out of the Federal Revenue Sharing funds, if anything is left over, Berlin is already getting their share. This will go back to cities and towns. We have not decided that.

Sen. GREEN: I rise in support of SJR 2 and would like to make another point. If districts lose money in building aid, this meant that taxpayers have to back up the debt. There were many school programs that were hurt by it. This amendment will allow school districts to expend this money for any other purposes of the school district. They now will be able to make up programs lost.

Sen. FERDINANDO: I rise in support of SJR 2 for two reasons. This will bring money back to towns in my district, and two, it is Sen. Downing's bill and if he thinks it is good, we should vote for it.

Roll call requested by Sen. Spanos and seconded by Sen. Downing.

Yeas: Sens. Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson, Spanos, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston, Foley, Nixon.

Yeas 24.

Nays 0.

Adopted. Ordered to third reading.

CACR 7

Relating to the number of jurors required in all jury cases in the superior court and the kind of verdicts required to prevail. Providing that: At the Superior Court level, jury verdicts

shall in criminal cases require a unanimous verdict and in civil cases a nine to twelve verdict. Ought to pass.

Sen. BRADLEY: This particular concurrent resolution, if it is adopted by the Senate and the House, will be proposed to the voters of the State. If adopted it would modify the constitution of the State of New Hampshire as originally adopted. This bill has two aspects. Number 1 deals with the number of jurors voting in criminal cases and number two deals with the number of jurors voting in civil cases. Our present constitution says there must be 12 jurors and requires unanimous vote. I do not feel that this part of the bill is required and furthermore I felt that part of the bill was not desirable because this is an area where the Federal rules have already covered the area. There are juries of six men in misdemeanor cases. We do not want this to happen. The second part of the bill would amend the constitution dealing with juries of civil cases with the role of unanimity. All juries must be a unanimous verdict and this will change the rule and allow jury verdicts of nine to stand. The present law is somewhat unrealistic. A number of cases, if it were a hung jury, would result in a mistrial and would have to be tried over again. We believe that this proposal makes sense.

Sen. FERDINANDO: As far as other states, do they require unanimous votes? How many states require less than unanimous?

Sen. BRADLEY: I do not have that precise information. It appears that a minority of states has this law. It was not a common law.

Sen. FERDINANDO: How many civil cases are there in the course of a year? How many of its verdicts can you give this Senate? Are we talking about two or three that would require this?

Sen. BRADLEY: I don't think any of us have that information. I think every lawyer has experienced one or more of these cases. I really don't know the number but I would assume more than ten and less than 100.

Sen. CLAVEAU: Tell us how many people appeared in favor of this resolution and who.

Sen. BRADLEY: I don't really remember.

Sen. CLAVEAU: The Executive Secretary of the Judicial Council appeared in favor of the bill and several others.

Sen. TROWBRIDGE: Is the New Hampshire Bar Association in favor of this bill?

Sen. BRADLEY: Yes. I do recall either Gilbert Upton or Fred Upton appearing in favor of the bill representing the Bar.

Sen. SPANOS: Your group is recommending changing unanimous verdicts in civil cases. What is your basis for not changing this law in criminal cases?

Sen. BRADLEY: This is felt first of all our part that in criminal cases the standards should be much higher and protection of criminal law should be retained. It appears that it may be a regulation of federal law to have unanimous verdicts in criminal cases.

PARLIMENTARY INQUIRY

Sen. JACOBSON: I believe we should have to have a vote of 60% to take action on the amendment.

Sen. NIXON: I believe you are correct as far as the bill is concerned but for an amendment we can adopt it by majority vote.

COMMITTEE REPORTS (Continued)

Amendment Adopted.

Division taken: Result: 22 Yeas, 1 Nay.

Adopted. Ordered to third reading.

SB 8

relative to limiting grand jury proceedings except in unusual circumstances. Referred to Judicial Council.

Sen. BOSSIE: I rise to speak in favor of referring SB 8 to the Judicial Council for further study.

Since the inception of this great Country and the Great State of New Hampshire, the Grand Jury System has been in effect in our Judicial Branch. It is the feeling of the Judiciary Committee that great thought should be given to this proposal before the Grand Jury System is done away with.

Presently, the only way a respondent may be brought before the Superior Court on a felony charge is by an indictment of the Grand Jury. The proposal we ask to refer to the Judicial Council would do away with this protection of having evidence presented to a jury of 14 to 24 members who would determine whether there is sufficient evidence to have a respondent tried before his peers of a petit jury.

Unless proper safeguards could be included to protect the rights and privileges of a respondent as provided by the Constitution of the United States and the State of New Hampshire, then this bill would be unworkable and not be in the best interest of our citizenry.

We ask you, ladies and gentlemen of the Senate, to concur with us to refer this very important Legislation to the Judicial Council for further study.

Sen. CLAVEAU: I rise in support of the committee report. The County Attorney stated that there are many benefits of the Grand Jury System and also pointed out that if someone was bias they could be somewhat unreasonable about this.

Sen. BRADLEY: Just a word about the Judicial Council. The Judicial Council is a body which has been established by statute and is not part of the State Government.

It consists mostly of lawyers and judges. The Judicial Council has just made its fourteenth biennial report and it is a report of good size. One thing it does is take bills such as this one which the legislature feels needs further work and where the legislature does not have time and resources to do the study, and report back. Some might feel that this is a dumping around for bills we do not want to pass. This is not true. Of the 23 bills referred to it, I have about ten of them back with passage with amendment. It is not an indirect way of killing a bill but a method for handling bills that need further work.

Adopted.

RECESS

AFTER RECESS

RECONSIDERATION

Sen. DOWNING: I move we reconsider our action of

CACR 7 and make a special order of business for next Tuesday, at 1:00.

A technical problem has arisen in my mind and I would like an opportunity to explore it further. I would like it placed on the calendar for Tuesday.

Sen. BRADLEY: No objection. The problem is one of form, there is no reason why we cannot defer action on this and clear it up at 1:01 on Tuesday.

Adopted.

SUSPENSION OF RULES

Sen. PORTER: I move that the rules of the Senate be so far suspended as to allow introduction of committee report on SCR 1 and waive rules of publication in the journal and be brought up at the present time.

Adopted.

COMMITTEE REPORTS (Continued)

SCR 1

Memorializing Congress concerning Memorial Day and Veteran's Day. Ought to pass.

Sen. PORTER: On the 25th of January we passed SB 31 introduced jointly by Sens. Lamontagne, Sanborn and Downing which legally changes, so far as New Hampshire is concerned, the dates of Memorial Day to May the 30th and Veterans Day to November 11th.

This resolution, introduced by Sen. Lamontagne, memorializes the U.S. Congress to restore to the traditional dates, these historic holidays. The Rules and Resolution Committee consisting of Senators Spanos, Nixon and myself unanimously endorse this bill and urge your support for its passage. At this time I would like to defer to Sens. Sanborn and Sen. Lamontagne who, due to their efforts on behalf of this bill, explain the rationale for this change far better than I.

Sen. LAMONTAGNE: Yes, we have already passed SB 31. Now I am asking our U.S. delegation to turn around and to change the dates of Memorial Day to May 30th and Veterans day to November 11th. Right now the way that the national law

is, questions the feelings of Memorial and Veterans Days. They have lost their history and lost its feelings. There are many veterans throughout this nation who are asking, not only their States to change these dates back, but they are also asking all our national delegations to change the national law and bring back the history and bring back the feelings of many of our brave sons and many of our brave daughters who have given their lives for their country. This resolution calls for a copy of SCR 1 to be sent to our U.S. Delegation to ask them to sponsor and change the national laws.

Sen. SANBORN: At the passage of SB 31 I gave history on Memorial Day and Veterans Day and what they have meant over the years to veterans. As you remember Memorial Day was established over 100 years ago in remembrance of those who have given their lives for their country. Veterans Day was established as a remembrance of the end of the war to end all wars and I will say again, how foolish we were. Over the years they have been recognized as days of remembrance of those who have given their lives over the years to make a free country and free people. During SB 31, it was mentioned that New Hampshire depends on tourist trade. However, we must stop for a moment and take just two days out of 365 a year, forgetting the tourist trade and business, and remember those who have left us in a position to meet as a free and independent people here tonight.

Sen. DOWNING: I agree wholeheartedly but I wonder if the House might consider us presumptuous. The fifth paragraph states that both the Senate and the House have passed this and the House has not had a hearing on this bill yet.

Sen. PORTER: The House will hold this in abeyance until SB 31 is acted on. I don't think they will feel any prodding from it.

Adopted.

Sen. PORTER: I move that the order whereby Joint Rules be adopted by February 1st, be amended to read Feb. 15th.

Sen. PORTER: We have only been able to have one meeting with Sen. Roger Smith and Sen. Spanos but the Speaker and Minority leader have been ill and unable to meet. I would like to ask the members to suspend the rules for two more weeks in order for us to adopt joint rules.

Motion adopted.

ANNOUNCEMENTS

Sen. SPANOS: With all due respect to the Chair and Senators, earlier in the session I demanded a roll call. At this time I would like to say I would respectfully request a roll call vote.

Sen. LAMONTAGNE: I feel at this time it would be in order to thank police for the parking of our cars and at the same time to thank you, Mr. President, and your Mrs. for the wonderful dinner given, and to all your friends at this time.

Sen. NIXON: I would like to thank the Scout Leaders, Mr. Roland Archambault and Jerry Vaillancourt and members of the Boy Scout Troop No. 123 for being with us tonight and also Mrs. Dorothy Fillmore and the members of the Girl Scout Troop No. 175 for being with us. I would also like to thank Maureen Ryan for setting the hall for us and to thank all of you for the courtesy extended to us.

There will be refreshments after adjournment by the Joe English Grange No. 53, whose master is Howard Towne. I have been told that there are 185 people in attendance here tonight with 41 New Boston citizens among them.

Sen. SANBORN: I am sure these guests will be interested in finding out the amount of money returned to New Boston 10 days after passage of SJR 2. \$1,289.57 after passage and you will also receive \$1,633.40 after July 1, 1974.

Sen. BLAISDELL: I am going to stay for a few moments, the reason being I don't know how to get home.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be passed by title only and that when we adjourn, we adjourn until next Tuesday at 1:00 in honor of former Sen. Nathan A. Tirrell of Goffstown. He was a distinguished Senator for many years. He is well known for his great work in the field of alcoholism programs and the Tirrell House is named in his honor. Former Sen. Tirrell was 91 last Saturday and with genuine heartfelt thanks to the people of this 9th district for their interest and hospitality.

Motion Adopted.

LATE SESSION

Third reading and final passage

SJR 2, providing a supplemental appropriation for school building aid.

Adopted.

Sen. GARDNER: I move reconsideration.

Motion lost.

Sen. MCLAUGHLIN: Moved the Senate adjourn at 9:30 p.m.

Tuesday, 6Feb73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Lord, help us as we now have embarked on this new chapter of the State Senate's History.

It takes trial, error and sometimes despair — often rejection — but with Thy help, a spark of interest, faith and continuance of our ideas will go forth and make this body of Government outstanding. It will evolve, we hope, eventually with combinations of principles, precepts and convictions that will make us not only unique for getting along with people, but for getting along with God! In Thy Name we pray.

Amen.

Pledge of Allegiance was led by Senator Jacobson.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 47, providing for the implementation of flood hazard area management in New Hampshire; and making an appropriation therefor. (Porter of Dist. 12; Foley of Dist. 24; Poulsen of Dist. 2. To Resources and Environmental Control.)

HOUSE AMENDMENT TO SENATE BILL

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Steam Locomotive and Engines Exempted. Amend RSA 125 by inserting after section 83 the following new section:

125:83-a Exemption, Steam Locomotives and Engines. The provisions of RSA 125:78-94 inclusive shall not apply to any steam locomotives and engines or replacements thereof used in connection with the operation of a railroad or railway which were in operation or on order prior to January 1, 1973, and are located entirely within the state; provided that this exemption shall not apply to any stationary steam engine.

2 Effective Date. This act shall take effect upon passage.

Sen. LAMONTAGNE: I move that we nonconcur and request a Committee of Conference on SB 3.

Motion adopted.

ENROLLED BILLS REPORT

SB 24, relative to securing loads of wood products on motor vehicles.

Sen. Provost
For The Committee

SPECIAL ORDER OF BUSINESS AT 1:01

CACR 7 Relating to: The Number of Jurors Required in All Jury Cases in the Superior Court and the Kind of Verdicts Required to Prevail. Providing That: At the Superior Court Level, jury verdicts shall in criminal cases require a unanimous verdict and in civil cases, a nine to twelve verdict. Ought to pass with amendment.

Sen. BRADLEY: I move that CACR 7 be recommitted to the Committee on Judiciary.

There are one or two minor problems of form with the

present amendment. The amendment deals with the number of jurors required to carry a verdict. First this bill is to eliminate the requirement of unanimity and to reduce it down to at least nine out twelve. We have such things as a nine to twelve verdict appearing on the bill which implies that there are twenty-one jurors and that sort of thing.

Motion adopted.

Sen. NIXON: I would suggest that we meet at 1:15 p.m. inasmuch as the House is meeting at 1:00. Next week we will meet here at 1:15 p.m. on Tuesday and Wednesday and on Thursday we will be meeting in Nashua.

RECESS

JOINT CONVENTION

ANNOUNCEMENTS

Sen. NIXON: I would like to make the first announcement. At the suggestion of Senator Ward Brown of Hampstead and with the unanimous concurrence of the Senate, it is my honor to appoint Charles Eaton of Stoddard as Senate Director of Research.

Sen. BROWN: I would like to introduce you to ex-Senator Charles Copeland Eaton. Senator Eaton is a Veteran of World War II and holds a Bachelor in Education Degree. He is the owner and operator of a General Store in Stoddard, N. H., as well as Police and Fire Commissioner and is active in numerous civic activities. He also boasts six sons. Ex-Senator Eaton served in the House in 1967 and served as a Senator from 1959 to 1961.

Sen. BLAISDELL: Mr. President, the Senate, recognizing that Charles Eaton comes from my section of the state, it is not only a pleasure but it is a privilege to go along with Ward Brown's statement. I find Charlie Eaton to be a tremendous person.

SENATE COMMUNICATIONS

New Hampshire Senate
State Capitol Building
Concord, New Hampshire 03301

Dear Senators:

Your trip to New Boston, February 1st, was greatly appreciated by the writer. It is the only time I have ever had the opportunity to witness a governmental body in action, except for our annual Town and School Meetings, of course. Being over fifty years, a trip to the State House from Portland to Augusta, Maine, was not in the school program as it is apt today. Going to business each day has made it impossible these later years.

The ceremony with which the meeting opened and which was continued throughout is reassuring. These days, it seems, tradition is being so easily set aside.

Observation was enlightening, but it is probably the feeling of sharing, if only for one evening, which had the greatest personal affect. Please continue with your effort to bring our government closer to the people.

With sincere thanks to all of you.

Respectfully,
Mrs. August J. Gomes

Sen: LAMONTAGNE: Mr. President and Members of the Senate: I have a matter here that has been brought to my attention. This seems to me like an advertisement. I want this Senate to know that tomorrow's hearing at 11 o'clock in Room 111 at the State House that there will not be any boxing gloves put on between Sen. Thomas Claveau and myself because it seems to me that in this advertisement that an honest mistake has been made and I want you to know that it doesn't offend me in any way.

The only time that I worry, when it comes to news media, is when my name does not appear in the paper. I have seen that my name has been used by what should have been the New Hampshire Division of the A.A.A. and the thing that bothers me is that I can't see why that whoever printed this article was ashamed to sign his name. I am not afraid to sign my name to any News Release. But now when they start talking about fat trucks, and that the fat trucks are breaking the laws, I would like to bring to the attention of the Senators that are here today that we do have a 102 inches law on the Books in our Motor Vehicle Law. If you take the wood that you are hauling and load it this way (demonstrates) it's got to be 96 inches. If you take the same piece of wood and switch it the other way, and

you load it sideways, you can load it at 102 inches. At the same time, I would like to have these people take a tape on some of our State equipment, some of our fire trucks, some of our Town equipment and measure the tires of the width and find that it's 98 inches, 100 inches, and even up to 102 inches. We also have a law on the books for low pressure tires. You will find it under the Motor Vehicle Law, 102 inches.

Now, I am not trying to defend my bill here today, the only thing that I'm trying to do before you is to defend this foolishness of people who do not know what the trucking industry is. But there is one thing that I would like to bring to your attention. I have traveled Route 93 and I have traveled it ever since it's been built.

We have a four lane highway between here and the other side of Plymouth. Right now it's almost in Lincoln. And, my gosh, the roads are not even wide enough for some of these cars because the trouble you are having is with cars that are hitting head on and it's not because of the width of the road. So, therefore, now, when they are talking about 102 inches, if they only would stop and think about safety, that it only means three inches on each side of the width. Because of the three inches on each side for these trucks here, it means safety for the people who are traveling through New Hampshire. And let me tell you that there are other states who have 102 inches. The Federal Government has not passed the law but they are coming to it.

But the thing is, I have an offense here and I just want you to know that it has been explained to me and there are certainly no hard feelings because of this article between Sen. Claveau and myself because there certainly are not. Thank you very much.

Sen. MCLAUGHLIN: We will be meeting in Nashua on Thursday the 15th of February at the Holiday Inn at 5:30. There will be a buffet at 6:00 p.m. and will then go to the Senior High School auditorium at 7:15. We are expecting a large turnout and hope you will be able to attend and bring your guests to the buffet.

PERSONAL PRIVILEGE

Sen. SPANOS: Mr. President, at his press conference yes-

terday, Governor Thomson indicated that he would not re-nominate Commissioner of Insurance John Durkin to another term.

This decision by the Governor is a monumental and tragic mistake.

I don't mean the fact that the Governor again has re-emphasized his partisanship philosophy over appointments of merit (although that disturbs me) — but because a dedicated public servant is going to get the axe.

Commissioner Durkin is a young, competent, experienced and consumer-oriented administrator — unafraid of and untouched by the giant insurance and drug companies and other special interests.

He has single-handedly fought increased Blue-Shield and Blue Cross rates; established a very active complaint department in his office which has, for over 5000 people, recovered over one million dollars for them when unreasonably denied; made us the first state to require insurance companies to include their investment income in determining premiums to be charged on automobile insurance which has saved the consumer 3 to 4 million dollars in premiums; introduced legislation which established an unfair insurance practices act; caused the Sutton Insurance Company to go into liquidation and made all other insurance companies pay in full all injury claimants of that insolvent company; ordered reduction of automobile insurance rates for our senior citizens; and limited the right of insurance companies to refuse to renew automobile insurance and homeowner's policies — among other things.

He has done more to protect the interests of the "little people" of this state than any other department head I know of.

Without his constant pestering, fighting and concern, the state would have long been smothered by the tentacles of private interests who obviously are his true adversaries.

If Governor Thomson *really* believes in his campaign slogan "people above politics;" if he is *really* concerned about the "little guy"; if he *really* wants to minimize the influence of the private interests — then I pray he will reconsider his decision and not let Vermont take Commissioner Durkin from this state. If he refuses to put "people above politics" then I urge the

State Governor's Council to refuse to confirm his choice. I urge all of my colleagues here assembled to join in this fight.

Sen. NIXON: I would like to state that the membership on the Committee of Conference on SB 3 will consist of Senators Porter, Blaisdell and Lamontagne. Three members on the Senate side.

Sen. R. SMITH: How many members on the House side?

Sen. NIXON: I don't know. I think the power of appointment is a continuing power.

Sen. NIXON: We will be meeting her in the Senate Chambers this Thursday at 1:15. I am sorry about any confusion I made in answering this question last week. Generally speaking, when we meet for home town Senate Sessions we will not have a scheduled session that day. On the Thursdays we do not meet in Home Town Sessions, we will have regular sessions here.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only and that when we adjourn, we adjourn until Wednesday at 1:15.

LATE SESSION

Sen. McLaughlin moved that the Senate adjourn at 2:30 p.m.

Adopted.

Wednesday, 7Feb73

The Senate met at 1:15 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We thank Thee O Lord, for the talents you have entrusted to us. We also give thanks for the conviction that we will use them effectively and we hope, in a lasting way — for our State & Government.

Whatever "goadings" we may receive let us face up to them and continue the use of our talent's gift in making our lives and the lives of others more and more liveable as we pass the torch of goodness on to others. Help us to live by the Golden Rule to do unto others as you would have them do unto you. Help us, O Lord.

Amen.

Pledge of Allegiance was led by Senator Lamontagne.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 48, relating to times and places of holding regular terms of probate court in Cheshire county. (Blaisdell of Dist. 10 — To Judiciary.)

SB 49, relative to prohibited conduct of real estate brokers and salesmen. (Claveau of Dist. 14 — To Judiciary.)

SB 50, authorizing motions for summary judgement in the district court. (Bradley of Dist. 5 — To Judiciary.)

INTRODUCTION OF SENATE CONCURRENT RESOLUTIONS

SCR 2, Memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber. Proposed by Sen. Poulsen, referred to Rules and Resolutions.

SCR 3, Memorializing the Congress of the United States to enact legislation which will grant the Social Security increase without having any welfare assistance reduced. Proposed by Sen. Lamontagne, referred to Rules and Resolutions.

HOUSE MESSAGES INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 98, to provide for substitute ex officio member for the director of fish and game on the pesticide control board. Referred to Recreation and Development.

HB 161, legalizing the annual town meeting of the town of Warren. Referred to Executive Departments.

HOUSE CONCURRENCE ON COMMITTEE OF CONFERENCE REQUEST

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

The Speaker appointed as members of said Committee on the part of the House, Reps. Greene, Colburn, David Bradley, Lint, Milbank.

JOURNAL COMMITTEE REPORT

Sen. GREEN: The Journal Committee has met for the purpose of discussing the production and quality of the Senate Journal. I would like to share with you some concerns and problems.

Problems seem to focus around time necessary to produce the Journal, the use of the sound system, the question of need for verbatim recording, and the cost involved. I will take each of these points separately and try to relate to you the concerns.

The first problem of time can best be described as one of producing a Journal that will be both acceptable in terms of quality as well as having the complete intent of each person speaking. In order to do this, it requires the Journal staff to spend as much time as is necessary and under pressure of making sure that the Journal is out for the next daily session. Already this session, situations have occurred where the staff has had to work the evening hours in order to make the necessary information available to the printer. Along with the question of reviewing the notes and tapes for intent, grammatical correctness and interpretation of what each Senator has said has suffered.

The second concern which relates to the sound system can only be appreciated when you attempt to transcribe from the tape. It is a very difficult thing to do because the recording system is very sensitive. Because of the background noise, such as rattling of paper and side conversations, it is difficult to understand what a Senator is saying. This is not meant to be critical, but it would certainly help the situation if Senators would make an attempt to speak loud and clear when they are making a statement on the floor. It is my understanding that in the past it has been customary for the Chairman of each Senate Commit-

tee, when making a Committee Report, that this report be available in type letter form. If we could agree to adopting this practice again during this session, it certainly would help with some of the problems that exist with transcribing from our sound system.

The concern around the need for verbatim is one, I am sure, that has been dealt with before. In reviewing past discussions about this question, it seems to focus on intent rather than the importance of every word being in print. The question becomes this, do we attempt to edit the Journal keeping in mind what is pertinent and what the intent of the speaker is?

The last concern is the question of cost. The concern about cost is presented at this time not for reasons of suggesting that you cut the cost, but that you become aware of the amount of money that is being spent as the Journal increases in size. In 1969 the permanent Journal was a single volume consisting of 1,719 pages. In 1971 the permanent Journal consisted of a double volume with 2,410 pages. The increase from the 1969 to 71 Journal was approximately 700 pages at a cost of \$18.50 per page. If the trend continues we could be looking at an extraordinary cost of the total process of producing the Journal. At the rate we are producing Journal pages this session, we will be adding a similar number of pages as we did over 1971. If this body feels that this additional expense is warranted to have all their remarks in the Journal we can continue with our present practice of very little editing. I would like to say that it is provided in the rules that every Senator that finds a problem as a result of something he said in the Journal, they can make corrections to a member of the Senate Journal Committee.

At this time we would like to request that any suggestions from Senators or staff members to help in alleviating some of these concerns be made to the Journal Committee for their consideration.

Sen. JACOBSON: I was under the impression that we were going to establish the possibility of making an action calendar and then later, publish weekly a verbatim report or something similar to a verbatim report. Is that still in the works?

Sen. GREEN: Yes, we have considered that and before we make any final recommendations, we want to make sure that everybody has had an opportunity to make their feelings known.

We have some specific recommendations we want to make to this body, as a whole, but we prefer to wait to make these recommendations until each senator has had an opportunity to react to this Report.

Sen. JACOBSON: I have one further question, Senator. I noticed when the Journal for February 1, 1973, the day we were in New Boston, that I asked two questions of Sen. Trowbridge and apparently, one question was selected and one was left out. In this instance, the question that was left out was the key question and the first question was merely the preliminary question to the key question. If I had my say in the matter, I would rather have the second question than the first question if that is to be a policy — I am not objecting to the policy but I wondered if you had any policy whereas a question or rather statement made by another Senator that he couldn't find his way home was put in and that probably had less impact than my second question in the long run.

Sen. GREEN: I appreciate that and I agree with you. Probably, and this point is well taken, but that if there is any part in the Journal omitted we certainly can make sure it's in the Journal and that this opportunity does exist and we're more than willing to make that a possibility at any time. These things come to our attention and I am sure that we shall deal with them in a proper way which will make each Senator happy.

Sen. NIXON: Is there a time limit on when a senator may request a correction?

Sen. GREEN: According to the rule of the Senate, I believe it's Senate Rule No. 1, it is set by a time which I believe is 48 hours. However, being aware of the rule, I personally do not want to see anything in the Journal that would in any way offend any member of the Senate. They are to be corrected, and I am sure that we can deal with any situation or any Senator's remarks that would cause him to feel offended.

Sen. NIXON: There is a rule that states that any erroneous entry in the Journal shall be corrected no later than the second succeeding legislative day.

Sen. DOWNING: Senator, how many years did you use for comparison?

Sen. GREEN: I am using regular session 1969-71.

Sen. DOWNING: Did you use any years prior to that?

Sen. GREEN: Yes, I did and the trend is definitely there that the Journal has increased in page numbers. It shows evidence that each succeeding year has increased percentage wise a similar amount each session.

Sen. TROWBRIDGE: Has anyone ever brought out the possibility of having produced for the Senate a Draft Journal of the previous day's proceedings which would not be fully printed and would not be part of the Action Journal that Sen. Jacobson talked about with the need for all 1600 copies or whatever is made for the House and Senate, but that a typist and a Xerox machine produce what would be a transcript for the 24 or let's say the 35 people who have to know in this body so that if there were errors or omissions or whatever, it was all done before you ever had it typeset. This is sort of silly to have everybody over to the printer working all night to produce I don't know how many copies of the Journal that they actually produce, I am not aware of that, but quite a number all typeset, all proof-read and everything else and then it's wrong and the chances of its being wrong are great. I think, if I'm not mistaken, that the British Parliament has a system whereby there is a preliminary Journal, as it were, and then, after correction, that, finally gone over, is typeset and it is finally made ready for the permanent Journal.

Have you considered this possibility?

Sen. GREEN: This has been discussed, mainly with the Staff involved with the production, for the purpose of seeing if we could accomplish what you would like to see happen. In considering back to the terms of our problem of time again, this becomes a real problem — it is time which is one of the main problems that we are having so what we will do, in essence, is that we will accomplish what you are suggesting and give an opportunity for corrections but it will also add another operation, so to speak, in the total process.

Sen. TROWBRIDGE: You may not then understand — my question is if there were a person transcribing merely on a typewriter, that would make one job. It would then be brought to the Xerox Machine and 24 copies made at that time. It does not have to be put into a typeset machine, that eliminates a great deal of the work.

Sen. GREEN: Not in the point of view of the operation here, Sen. Trowbridge. It would save a great deal of work in terms of the operation of the printer, but it would not save in the terms of time for the process here in the State House. The fact remains that we would have to go through the same basic operations in order to get ready for the Senators to review, as they do now for the printers. If we are considering another way to accomplish the same thing you are suggesting, I want to make it very clear to you that we have discussed that particular situation.

Sen. SPANOS: When you asked or indicated that when the problem arises in the Journal the various Senators can make corrections to a member of the Senate Journal Committee, don't you also mean that the Senator may also go to the Journal Staff and make the correction he wishes or must he come to us?

Sen. GREEN: Well, I feel that in the final analysis it is the responsibility of the Committee, and as Members of the Committee I think we all agree that it is very possible for them to go into the area where the girls are working on the Journal and make corrections at any time. As long as in the final analysis, those who are responsible have an opportunity to review the Journal for approval. That's what I'm concerned about. Not approval of what has been said, approval of corrections and so forth, that's what I'm concerned with.

Sen. DOWNING: Senator, was any consideration given to the work load over the same period of time and is this experience we're having now because the Senators are talking more or are there more things to talk about?

Sen. GREEN: Maybe a combination of both Sen. Downing. The question is when we really get down to it — is it really necessary for all remarks to be included and which remarks are pertinent and which are not and who's going to get upset and who's going to be able to decide whether or not it should be left out? I think what's happened is in the decision to start to include everything, every little detail is now being included and I'm suggesting now, that maybe we can take a look at that seriously, without any attempt in any way infringe upon a Senator's right to make sure what he thinks is said is recorded. The argument for posterity's sake is a good one, but do we want everything we've said in that situation — I'm not sure that I got the real sense from the body about that.

Sen. R. SMITH: I don't know why Sen. Jacobson's question was omitted but it's certainly regrettable, but in fairness to those who did produce the Journal of Feb. 1, 1973, due to a mechanical breakdown I think there was a total loss of the tape that night. There was no tape at all as a matter of fact. The people who did produce the Journal that day did an outstanding job.

Sen. PORTER: I move that the rules of the Senate be so far suspended to allow the reading of a committee report at this time waiving public hearing, and notice in the Journal.

Adopted.

Sen. PORTER: Mr. President, I would like to discuss both rules at the same time since they are related. Each member has been provided with a set of the proposed rules and these have been reviewed and discussed by Sen. Spanos and Senate President, David Nixon and myself and these rules state that we feel that we must provide the Personal Privileges not be abused and some may feel frankly that some Personal Privileges that have been provided in the past years are really political speeches and we are attempting to provide some degree of clarification of the Personal Privilege and of political merit. One of the things we wanted to make sure, was that we did not gag or inhibit any kind of speech by any member, yet, generally, on Personal Privilege situations Senatorial courtesy provides that the rebuttal of a Senator's Personal Privilege is generally prohibited on a personal basis. A political matter, however, opens up an appropriate avenue for ventilation of various issues and we feel that the adoption of rule 45 and rule 46 would provide a degree of elasticity that would be necessary for open debate or rebuttal on a question. I am pleased to try to answer your questions.

Sen. BRADLEY: Sen. Porter, when we discussed the possibilities of rules earlier, there was some suggestion made that in the case of the political matters that a person would not have the right to speak without prior notice. Was that element considered in your drafting of the rule?

Sen. PORTER: Sen. Bradley, we felt that the Senator who wishes to speak on a political matter should be able to choose his own time to do it.

Sen. FERDINANDO: Are we going to repeal the existing rule?

Sen. PORTER: There is no rule currently on Personal Privilege and Senate rules.

Sen. FERDINANDO: It says here that a Senator may, as a matter of Personal Privilege, defend his position on a particular bill. Does this mean that we cannot defend somebody else's position on personal privilege? Does it have to be his own?

Sen. PORTER: No, I wouldn't think that would be restricted to that particular area Senator.

Sen. DOWNING: Senator, who would be the judge of whether the matter is political or not?

Sen. PORTER: I think that we would leave that up to the discretion of each individual Senator. From the reading of the rules, they seem self evident to most of us that with your defending your opposition or integrity that would be a personal privilege — what would be a political matter, he would make that decision himself.

Sen. DOWNING: Senator, on the rule No. 46 relative to political matters says that a Senator may speak on a political issue of his choosing, but in such cases, he may be subject to questioning, answer, or debate of another Senator. Is it your intention that the rules of questioning that apply now, would apply in that instance when eventually the Senator does not yield, you will not be required to answer the question?

Sen. PORTER: I would respond that within the regular province of our Senate that would be the case, yes.

Sen. DOWNING: The question and answer for debate is that the intention of the rule that open debate would be permitted or are you referring to the questioning and answering procedure practiced by the Senate?

Sen. PORTER: I am referring to the question and answer procedure currently used.

Sen. DOWNING: Then Senator, really the words answer or debate currently used are not really necessary then.

Sen. PORTER: Well, I think that the consideration of the rules committee, and this might be addressed also to some other

members, that it does provide the ability for the Senator to answer back on any particular matter that the person has spoken from. In other words, it does provide the ability to voice his particular position on a political issue.

Sen. DOWNING: How do you justify the word debate in there?

Sen. PORTER: The word debate, as I interpret it, would be in our traditional manner for question and answer sessions and it may not be in a formal manner of debate as you might choose to recognize the word. If there's a word that we felt would be in there providing that avenue of expression.

Sen. SPANOS: My question has been already answered.

Sen. BRADLEY: Sen. Porter, further questions resolved your answer to Sen. Ferdinando, in effect, as I understood you to say that a person could rise on Personal Privilege to speak on someone else's bill. Now, if that bill is my bill, then I believe that surely I would have the right to get up and make some sort of answer. However, if he is claiming this under the right of Personal Privilege, the way I read the rule, I would be prevented and I wonder if that is really what you intended to say.

Sen. PORTER: No, Senator, I don't mean that you would be prevented from addressing your own bill certainly, but also, another Senator would not be inhibited if he felt that he chose also to help you defend your position on Personal Privilege.

RECESS

AFTER RECESS

Sen. PORTER: I move that the business at hand be made a special order of business at 1:01 tomorrow.

Sen. JACOBSON: Could you indicate the problem?

Sen. PORTER: Not entirely Senator.

Motion adopted.

ANNOUNCEMENTS

Sen. NIXON: In regards to Thursday, February 15th, it is anticipated that the Governor will address a meeting of the Joint Convention with his budget message. You can have com-

mittee hearings on that day based around that time. We are awaiting confirmation on this from the Governor's Office.

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, and that when we adjourn we adjourn until Thursday at 1:15.

LATE SESSION

Sen. Johnson moved the Senate adjourn at 2:14 p.m.

Adopted.

Thursday, 8Feb73

The Senate met at 1:15, with Vice President Spanos in the Chair.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Forgive us, O Lord, for the frenzied, harried, unhappy attitude we take at times. Show us the correct way to accomplish what must be done in a quiet, humble and grateful manner. Give us the ability to think the right thoughts — so we may become a bulwark of strength and decisions — to those whom place their trust in us!

We ask Thy help O God.

Amen.

Pledge of Allegiance was led by Sen. Blaisdell.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 51, to provide workmen's compensation benefits for persons who are compelled by statute to assist in fighting a forest fire. (Poulsen of Dist. 2 — To Judiciary.)

SB 52, providing for appointment of retired Probate

Judges as judicial referees. (Trowbridge of Dist. 11; Blaisdell of Dist. 10 — To Judiciary.)

SB 53 to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist. (Bradley of Dist. 5 — To Judiciary.)

SB 54, to establish a New Hampshire office with facilities to assign risks with the state. (Lamontagne of Dist. 1 — To Banks, Insurance and Claims.)

SB 55, eliminating the five year residency requirement to qualify persons seventy years of age or older for property tax exemption. (Bradley of Dist. 5 — To Ways and Means and Administrative Affairs.)

SJR 3, making an appropriation for funds to pay actuary costs to determine the contribution required of the state to include in the state retirement plan. (Lamontagne of Dist. 1 — To Finance.)

CACR 21, Relating to: The Organization of revenue-raising bills. Providing that: Either the house or the senate may originate revenue-raising bills. (Spanos of Dist. 8 — To Ways and Means and Administrative Affairs.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital. (Public Health).

HB 153, increasing the term of office of the county treasurers, registers of deeds and the registers of probate. (Executive Departments, Municipal and County Governments.)

HB 158, legalizing the vote authorizing the issuance of certain bonds by the Town of Hanover. (Executive Departments, Municipal and County Governments.)

HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars. (Executive Departments, Municipal and County Governments.)

HB 190, relative to the petition for proportionate refund of an operator's license fee. (Public Transportation) .

HB 96, providing that alternate members may be appointed to zoning boards of adjustment. (Executive Departments, Municipal and County Governments.)

Recess.

COMMITTEE REPORTS

SJR 1

establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences relative to pollution of land, water and air; the economic, social and educational problems associated with this growth; and making an appropriation therefor. Ought to pass with amendment. Sen. Porter for the Committee.

AMENDMENT

Amend the numbered paragraph III of the resolution, by striking out the same and inserting in place thereof the following:

III. Prepare and publish a study which delineates the impact of present and projected population growth on the natural and man-made resources of New Hampshire, and examines the economic, social, educational, agricultural, transportation, energy and environmental problems associated with such growth;

Sen. PORTER: Mr. President, SJR 1 introduced by Sen. Foley, was heard at public hearing last Tuesday, and if I may address the amendment — it is a very simple amendment due to some of the testimony from the Commissioner of Agriculture Townsend and other interested witnesses, the Committee decided to amend the Bill to include the areas of agriculture, transportation, energy and environmental problems associated with the growth of the population in N.H. This bill, as far as having an appropriation, should go before the committee on finance for full review for the requirements for the appropriations included. I think that all of us have some thoughts as to whether or not similar studies might be going on at the same time. In particular, Sen. Brown has expressed concern with this area and

he is looking into it at this particular time in addition with members of the Finance Committee Chairman. The bill had several different supporters there — no one spoke in opposition to the bill but the committee urges the adoption of the Committee Report so it might be passed on to the Finance Committee for review.

Sen. JACOBSON: In the body of the Bill, it says that the report shall be made by June, 1974. My question is — in view of the importance of this commission, why is that shorter date developed, instead of having it January 15, 1975 as is normal?

Sen. PORTER: Senator, I cannot answer the question now. I had noticed the date of June 1974, perhaps it's just a target date that they felt might be able to be coupled in with some, particularly with Federal Funds or funding over the whole budget period. I can't answer that question adequately, Senator.

Sen. JOHNSON: Senator, I think that we are all in sympathy with this idea but, had your Committee considered that this data would or should be in a comprehensive plan of the state instead?

Sen. PORTER: By the committee, do you mean the committee that exists today by comprehensive plan?

Sen. JOHNSON: Well, what or should be a comprehensive plan, I believe I really don't know a lot about it, but this conflict in planning this legislation comes out of this comprehensive plan either by regions or by state. This data seems to be included in a comprehensive plan, or should be.

Sen. PORTER: I think the committee considered this, I think the sponsor might address this with a little more detail, I think that the committee considered that many of the studied areas suggested within this commission certainly have had aspects of them already completed, but they have never been, to my knowledge, correlated by a single commission by looking at it in the view of the impact of the tremendous growth of New Hampshire, particularly Hillsborough and Rockingham Counties. The director of comprehensive planning did not appear one way or another on the Bill and I have had no input from him as to whether or not that particular bill was acceptable. I did not ask him either.

Sen. JOHNSON: The committee considered that, might

this not be better used by the State Planning Department and to instruct them to hire a staff and get started.

Sen. PORTER: A single reason why it might be better if used by the office of State Planning or Director Comprehensive Planning I think, frankly, that this would be an adjunct to their current efforts across the State and whether or not the money is sufficient or more than enough I would leave to the discretion to be reviewed by the Senate Finance Committee.

Motion Adopted. Referred to Finance.

SB 25

providing for the freezing of real property taxes on residential property of certain elderly persons. Inexpedient to legislate.

Sen. DOWNING: It was the unanimous decision and vote of the committee that this bill be reported inexpedient to legislate, the subject matter being covered more thoroughly in the already passed SB 2.

Sen. JACOBSON: Mr. President, I want to agree with the Committee Report. I would also like to say in this conjunction that there seems to be a kind of bill coming in, whereby certain classes of people are being exempt from certain types of taxation. The effect of which is to shift the burden of that taxation to someone else who may be equally in an insufficient position to handle the increased burden of taxes. I would like to say a word of caution that while many of these bills seem to have good merits, I think we should be very careful before we enter into these kinds of contracts because the new effect is to increase the burden someplace else without bringing any genuine relief or any genuine equity.

Motion adopted.

HB 47

relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home. Ought to pass.

Sen. LAMONTAGNE: This bill changes the name of the New Hampshire Soldiers' Home, sometimes referred to as the Soldiers' Home, to the New Hampshire Veterans' Home.

Motion adopted. Ordered to third reading.

HB 121

relative exemption from resident tax members of the armed forces. Ought to pass. Sen. Downing for the committee.

Sen. DOWNING: This is a housekeeping type measure which was recommended by the Tax Commission and merely eliminates the requirement that an individual serving as a full time member of the United States armed services certify his status before June 1st. It is felt that date qualification is unnecessary and at times very inconvenient. The Committee feels the bill ought to pass.

Sen. LAMONTAGNE: I wanted to speak to Sen. Downing before I made this motion. I would like to make this a special order of business for next Tuesday at 1:01, February 13.

I am not against this bill but there is another matter that some of the servicemen who are serving twenty years or more, and I would like to discuss it with Sen. Downing.

Sen. DOWNING: I rise in support of the motion of making this, HB 121, a special order of business at 1:01 February 13.

Motion adopted.

SPECIAL ORDER OF BUSINESS AT 1:01

Sen. PORTER: Mr. President, the members have been passed out a new copy of the new proposed Senate Rule 45 relating to Personal Privilege. Part of the problem yesterday, as best as I can understand, was the use of the word debate. If you will look at the papers handed to you the rules state that what we have done is to combine rule 46 with rule 45. The second paragraph from this new proposal 45 is essentially that of 46 of yesterday — however, the question on the subject of debates is eliminated — this has been reviewed and discussed by members of the minority party and all this does is, in fact, answer the question from yesterday and the Committee on Rules and Resolutions urges the adoption on this new rule.

Sen. BRADLEY: Sen. Porter, what is the present interpretation with respect to the question that was raised yesterday about the rules of personal privilege? I speak specifically about the situation where a person gets up and wishes to defend someone else's position against someone else's criticism. Will that now be permitted under the rules as written?

Sen. PORTER: My view of it, Senator, is that a Senator may defend his own position on a bill of integrity and his record and his conduct, or he may speak of an issue which relates to these so, I think this would be restricted fairly narrow to the position of defending your own personal integrity.

Sen. BRADLEY: If you want to discuss someone else's position, you come under the second part of the rule pertaining to the subject matter of your own choosing which would be subject to discussion and answers.

Sen. PORTER: Yes.

Sen. FERDINANDO: Sen. Porter, didn't I ask you the same question yesterday?

Sen. PORTER: You asked me the same question and apparently I misinterpreted the question because I have a different answer to Sen. Bradley today.

Sen. FERDINANDO: Is today's answer applicable or is yesterday's answer applicable?

Sen. PORTER: I was discussing rule No. 45 as proposed today and I think that today's answer is relative to rule No. 45.

Sen. GREEN: I still have a little bit of concern as a result of yesterday's discussion, now let me try and clear it. Who will be responsible for determining whether a person is speaking on Personal Privilege and that rule applies or not?

Sen. PORTER: The Chair.

Sen. DOWNING: I rise in support of the motion, Mr. President, as this has been kind of a gray area that has needed more positive definition for some time and I think this goes a long way toward doing it.

Sen. FOLEY: Senator, the Minority Party held a brief meeting this morning and considered this and worked out the changes they have in here and I would like to say that a majority of the Minority Party is in agreement.

Sen. JACOBSON: The last sentence said, as I understand it, gives any Senator full freedom to discuss any issue so long as he understands he is also subject to questioning and or answers to what he says.

Sen. PORTER: Yes, Sir. I just wish to speak a second time

and must note one other thing. Rules and resolutions that may be studied and reviewed in several different areas, there is one area I meant to address personally and forgot and that is the subject of conduct of Committees. I would like to refer the members to page 87, at least of the 1971 Black Book, where it is suggested the Committee rules are printed and urge the Committee Chairman to consider these for possible adoption in the conduct of their hearings.

Rule 45 Personal Privilege: A Senator may, as a matter of Personal Privilege, defend his position on a bill, his integrity, his record, or his conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his rights, privileges or conveniences as a Senator; provided, however, that matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator.

A Senator may speak on other matters of his choosing and in such cases may be subject to questioning and or answer according to the rules of the Senate.

Adopted by unanimous vote.

Sen. LAMONTAGNE: The Conference Committee met on SB 3 and after they met with the House, the Committee has decided to withdraw their objections. I would like the Committee of Conference to be withdrawn so to concur with the House amendment.

Sen. BRADLEY: The bill as I understand it now still has the word in it relating to operation entirely within the state of New Hampshire. In my mind is it prohibiting steam engines from coming into the State of N.H. specifically from Vermont? Can you tell us what the thinking is of the conference on this particular point?

Sen. LAMONTAGNE: The committee did talk about the matter with the House. It was felt that there would be no effect, but the committee, after reviewing the bill this noon, felt if it did a new bill could be introduced to correct this situation. The interpretation that I get and what I have said to you I feel it is covered.

Sen. BRADLEY: Do I understand that it is the feeling of the Conference Committee that steam locomotives are not prohibited under this bill from coming in the State of New Hampshire?

Sen. LAMONTAGNE: Well, this is the feeling I get here.

RECESS

AFTER RECESS

The CHAIR: Sen. Lamontagne has two different motions for consideration. The first motion is to discharge the Committee of Conference on SB 3.

Adopted.

Sen. S. SMITH: I think the understanding on this question deals with the fact that what the bill does is to exempt those railroads or steam locomotives that do not meet the qualifications of the pure air control regulation. Most of the Steam Towns would meet the qualifications of the pure air regulation.

Sen. LAMONTAGNE: That is correct. They do meet this regulation and would not come under this law.

The CHAIR: The motion is — does the Senate concur in the adoption of the amendment as offered by the House.

Adopted.

NOTICE

February 8, 1973

To the Honorable Members of the Senate:

Anyone wishing a copy of the Fourteenth Biennial Report of the Judicial Council may obtain one from the Senate Sergeant-at-Arms. Additional copies may be had at the Judicial Council office, Room 301, 3 Capitol St., Concord.

Samuel L. Hays
Secretary, Judicial Council

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, and that when adjourn we adjourn until next Tuesday at 1:15 p.m.

Motion adopted.

LATE SESSION

Third reading and final passage

HB 47, relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home.

Adopted.

Sen. Downing moved the Senate adjourn at 2:00 p.m.

Tuesday, 13Feb73

The Senate met at 1:15 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Almighty God who art always ready to hear the prayers of those who call upon Thee in sincerity and heartfelt praise.

We Thy Servants now gathered here together, offer unto Thee, with humble and joyful hearts, our praise and thanks that Peace is beginning to shine forth upon the world.

We thank Thee for the release of our prisoners of war, and for a ready adjustment of themselves as well as their families.

Help them and us O Lord.

Amen.

Pledge of Allegiance was led by Sen. Blaisdell.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 56, revising the scenic roads act. (Trowbridge of Dist. 11 — To Resources and Environmental Control.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 70, providing for the withdrawal of the town of Lon-

donderry from Supervisory Union No. 10. Referred to Education.

HB 88, relative to the election of officers of cooperative school districts at town meeting and the time of taking office. Referred to Executive Departments.

HB 258, relative to the debt limit of the Londonderry school district. Referred to Executive Departments.

HB 110, relative to maliciously letting loose vessels. Referred to Judiciary.

HB 220, relative to the duties of the Merrimack county treasurer. Referred to Judiciary.

HB 7, providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge. Referred to Recreation and Development.

HB 13, prohibiting motorboats powered by fuel on Brindle Pond. Referred to Recreation and Development.

ENROLLED BILLS REPORT

HB 47, relative to changing the name of the New Hampshire Soldiers' home to the New Hampshire Veterans' Home.

Sen. Provost
For the Committee

COMMITTEE REPORTS

HB 36

relative to the notification of foreign corporations of suspension for nonpayment of fees. Ought to pass. Sen. Johnson, for the Committee.

Sen. JOHNSON: I move the adoption of the committee report. This bill is a housekeeping change proposed by the Secretary of State's Office. Deputy Secretary of State Kelley and Mrs. Hopkins testified. The bill provides that the Secretary is required to notify foreign corporations after they have failed to make payments for two consecutive years. The words "who have failed for two consecutive years" and "of their suspension

as provided for in 300:6" are actually inserted in the present section.

Adopted. Ordered to third reading.

HB 37

relative to filing first annual returns by corporations. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: I move that the Committee Report be adopted. The Deputy Secretary of State Kelley and Mrs. Hopkins testified. This is another so called housekeeping change. The bill adds to the present law "or a New Hampshire corporation that has received its certification of incorporation during that same period." Currently New Hampshire Corporations are not included in this section. In actual practice most new corporations haven't done any business during this four month period which is December 1 through April 1.

Adopted. Ordered to third reading.

HB 39

relative to the prohibition of county commissioners from simultaneously holding any other county office. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 39 is the first in an increasing series of Legislative Acts designed to reduce conflicts in public offices. Specifically, this bill prohibits county commissioners from holding any other county office. The effort is to deny a county commissioner from employing himself or any other county officer offering him employment.

Sen. TROWBRIDGE: Sen. Jacobson, if this is true, a county commissioner, in order to hold any other county office — is not the office of Representative to the General Court a county office in that you are a member of the County Commission?

Sen. JACOBSON: This bill does not deal with that specific relationship, and I would also say that being Representative to the General Court is not a County office, as such.

Sen. TROWBRIDGE: I am not saying whether I am for or against that, but I think the records should show that HB 39 does not, or rather should not, be interpreted as preventing a versatile County Commissioner from running for the General Court — is that correct?

Sen. JACOBSON: Well Senator, my interpretation of being a Representative to the General Court is a Legislative function and as such, is distinct from the County office — now, if you asked the question about Representatives being Members of the County Delegation, that is a function that has been somewhere appropriated and there will be legislation coming in to separate those two functions.

Sen. BRADLEY: Sen. Jacobson, to follow up a previous line of questioning, would this bill prohibit a County Commissioner, if he was a Member of the House and therefore a member of the County delegation from the Chairman of the delegation or as a member of the Executive Committee of the delegation or the like?

Sen. JACOBSON: I do not believe so.

Sen. SPANOS: Sen. Jacobson, could you tell us during the testimony whether or not there was any testimony relative to the need for this change — is it something that is metaphysical or what have you, or is it something concrete?

Sen. JACOBSON: Well, I'm not able to speak for the metaphysical aspects of it, but there was only testimony in favor of the bill, there was no testimony in opposition of the bill and the rationale for doing this is to keep the County Commissioner from employing himself in some office of the County or having another officer in the County employing another County officer in some form of employment. Such specifics may be such as Deputy Sheriff.

Adopted. Ordered to third reading.

CACR 10

Removing the Deadline Date on Paying Legislative Mileage. Providing That: The First Day of July be Repealed. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: We are aware that there currently are no mileage payments allowed after July 1. The purpose of CACR 10 is to allow mileage payments after July 1, but still requiring the Legislature to do its business within a 90 day period. It remains unchanged. As amended in the House this calls for placing this CACR as a referendum vote in November 1974.

Sen. SPANOS: Mr. President, I rise in support of the Committee Report. I do so because if adopted, it will to some degree

soften the rigidity of the time span under which we operate currently and will open up the door to the possibility of annual sessions, or what have you, a principle that I think that most of us have supported in the past. I strongly urge the adoption of the Committee Report.

Sen. TROWBRIDGE: Sen. Preston, would you explain to us what the difference is, actual effective difference is CACR 10 compared with the constitutional question that was on the Ballot in November of this year, 1972 — what is the effective difference between this and what we always call Annual Sessions?

Sen. PRESTON: I can't answer your answer.

Sen. TROWBRIDGE: Is there anyone on the committee who could then?

Sen. JACOBSON: I would have to recall from memory — I think the one that stayed there allowed for 45 days in each Session, did it not — the present one — to allow for annual sessions specifically?

Sen. TROWBRIDGE: I believe that the one that is on the Ballot simply says that you will meet Annually and not more than 90 days biennium, and I really can't see that there is any particular difference here, it's just that Rep. Harvell has gone at it with another lever, namely, he just removed it from July 1 leaving everything else the same namely, that you are restricted to 90 days, and whether you have two different sessions or one that's not the first Wednesday of the odd year doesn't seem to matter.

Sen. JACOBSON: May I respond? That was the essential what to meet annually and split at 45 days each way. Now, we can meet right now at 45 days each year if we want to. There's nothing to stop us. The only thing that would stop us right now is the fact that you're not going to get any Legislative pay. That's what stopping it and what this proposal does is eliminate that July 1 deadline without mentioning the word annual.

Sen. TROWBRIDGE: Sen. Jacobson, do you recall — am I correct that in taking out the July 1 deadline then lies that we are back at the same point where Sen. English started six years ago when putting this constitutional question on the ballot — is that not the same way it went before?

Sen. JACOBSON: I can't recall the answer to that question because six years ago I wasn't here. But, I think we've tried various forms. The time before it passed — it failed to pass by a five hundred some odd vote on the recount. The time before that, which must be the time you are referring to, was the time that the Concord Monitor challenged it in the Court because it was said wrongly.

Sen. TROWBRIDGE: Of course, I am greatly in favor of Annual Sessions and always have been, but what I am trying to bring out by this line of questioning and, I hope that it is evident and that if I am correct, in the 1967 debate on the issue, the removal of the July 1 deadline was the means by which the constitutional question was put to the voter. And that is exactly the same question, if I am right, and I hope I'm not, that was thrown out by the Court saying it was too ambiguous. What I'm hoping, I see our friend Mr. Harvell shaking his head would make me feel better — I am hoping that we are not getting into the same problem we had with the other one where it is an ambiguous question. All I'm bringing up with the issue at this time is to make sure we are not creating another constitutional problem.

Sen. PRESTON: I have just had a brief conference with Rep. Harvell and he informs me that the referendum vote to which we refer required meeting annually and was disallowed.

Sen. SPANOS: To speak on a Bill and to allude to the remarks of Sen. Trowbridge, if I'm correct and I think I am, when the Supreme Court threw out the Annual Session issue back seven years ago, the reason was the question asked the people of the state — the question was the ambiguity, not the issue itself — now, I haven't looked at the question to determine whether or not I would say it's ambiguous, but it really had to do with the question asked by the vote that we had to the people of the state. I would like to also comment that as I read it, I can't find ambiguity.

Sen. FERDINANDO: Am I to assume that if you are for Annual Sessions you would be required to vote for this particular bill or against Annual Sessions you are to vote against it.

Sen. JACOBSON: If you are for Annual Sessions, you would vote yes on the proposal.

Sen. FERDINANDO: If you are against Annual Sessions, you are to vote against it.

Sen. JACOBSON: Yes, that is correct.

Sen. DOWNING: Senator, if this were approved by the voters, wouldn't that mean that the working session might extend into July and August of the same year? It doesn't necessarily mean our Annual Session, isn't that being rather presumptuous?

Sen. JACOBSON: The question as stated which would go before the people, says only two things. It says number 1, are you in favor of the removal of the July 1 deadline for mileage payment? Secondly, it confines the Legislature to ninety days in the biennium.

Division vote: 20 Yeas, 3 Nays.

Report adopted. Ordered to third reading.

CACR 5

Relating to: Appropriations for State Agencies. Providing That: A two-thirds vote of each house shall be required to approve a biennial appropriation for any agency which exceeds by more than ten percent the appropriation for the preceding biennium. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, the goal of this particular bill is a laudable one in its attempt to insure that costs will not rise too fast in our State Government. However, the committee found many objections to the way in which the bill was worded and concluded that the bill from an administrative standpoint simply is not feasible to implement. Furthermore, there was substantial testimony from various sources in and out of State Government pointing out the difficulties of ever implementing this particular revision. Also, there is the feeling of the committee that the goal of this particular amendment can be achieved by other means and is not an appropriate one to be achieved by a constitutional amendment.

Sen. FERDINANDO: Sen. Bradley, what were some of the specific problems that brought about the committee's recommendations?

Sen. BRADLEY: One of the specific problems was the problem of shifting around responsibilities among agencies where

an agency might be given double duty and particularly in that area, and, therefore, should not have to meet the 10% requirement. The possibility also exists that any year of any particular biennium that there may have to be increases in excess of 10%, or come to some agreement.

Sen. FERDINANDO: Is it not feasible to have two thirds of the people vote on this?

Sen. BRADLEY: Well, the Committee felt it wasn't feasible to lock in every agency to a 10% requirement. Your point is well taken that this could be gotten around on a two-thirds vote. I think the feeling of at least a majority of the Committee on this point that it is not fair to require the committee to obtain 2/3 vote on the budget. If, indeed, there is greater than a 10% increase.

Sen. DOWNING: Sen. Bradley, the two positions of the Committee, one being laudable, the other being that it's not practical doesn't seem to be compatible to me. Could you expand on further reasons for the committee other than one as to why they feel that this legislation should be inexpedient?

Sen. BRADLEY: I could try. I think that perhaps one of my colleagues should probably do a better job of it. May I defer to Sen. S. Smith?

Sen. S. SMITH: I think that one of the great problems in this type of constitutional amendment is the whole budget trimmings involved in it within the budgetary process. You are all very familiar, towards the end of the session, the budget bill comes in. Parts of it would have to be voted on separately than other sections of the budget — I think it would be very difficult with passage of this constitutional amendment to define exactly what an agency is. Whether you should talk about parts, whether you can talk about divisions within parts, if, also in relationship, particularly to the very smaller departments where a new program or a new service is being offered when you have a 10, 20, or maybe even a 50 thousand dollar appropriation. You would add this new service, it may have been a controversial subject with the passage of original legislation in the House and it passed on simple majority vote, but then when it comes to the budgeting process, with any agency, a 2/3 vote, or the lack of a 2/3 vote, it could kill the proposed additional service being offered.

Sen. DOWNING: Do you agree with the report that the objective of this bill is laudable?

Sen. SMITH: I was not present at the time of the Executive Session on the bill. I was there for the hearing. I think the purpose of the bill is constitutional amendment but I think it would be impossible in the administration of the financing of the budgetary process.

Sen. DOWNING: Your basis for feeling that it was impossible to administer seems to be around the definition of agency or department head clarification in this area. Don't you think it would have been a simple matter for the committees to make it departments and then it would be clear to everybody what was meant?

Sen. SMITH: I am not sure — what happens then with problems of reorganization?

Sen. DOWNING: Senator, don't you feel that in any such instance of reorganization or so forth, the budget and allocations would be reallocated right along with it?

Sen. S. SMITH: I am not sure, it could be under that constitutional amendment. When there is a reorganization of departments which often within State Government is a highly laudable thing, it could mean that a one third plus one of the Legislature could defeat that reorganization program through the budgetary process.

Sen. DOWNING: Was there any testimony in favor of this constitutional amendment?

Sen. SMITH: Senator, the President himself was there and he spoke in favor of it. I can't recall who else was there in favor of the bill.

Sen. FERDINANDO: I move that we change the wording inexpedient to legislate to 'ought to pass.' I am sure that everyone here knows if we were aware that there was a need to have a 20% increase or 30% or 40% increase that we wouldn't hesitate to give our approval and I'm sure that the House would react the same way. I think that we have got a good opportunity here to show the people of N.H. that we are concerned about how their money is used. I think that if we can pass a bill or we can find ways to improve it that they will work along with us. I

would hope that members of the Senate would request that the bill be passed.

Sen. SPANOS: I move that further consideration of CACR 5 be indefinitely postponed.

Sen. SPANOS: Mr. President, several years ago, this constitutional amendment came before this body, and received a very good vote, but it did not pass. I voted against the CACR at that time and I still oppose the concept. I think that the responsibility of whether or not we exceed, or overspend, the responsibility lies with us as Legislators and also in the Chief Executive Office. I don't really know the reason for a constitutional amendment when we already have had the Chief Executive indicate to us that he is going to keep the budget to the agency under 10%.

Sen. TROWBRIDGE: I rise in support of Sen. Spanos' motion. Clearly, one of the areas where we need maximum flexibility as we come down to the end of the session, is the budget bill. Of all the bills where so many items are tied to one piece of legislation that it has to go through and pick out certain parts that has to be by 2/3 vote, others, it don't, then our Committee of Conference not knowing whether you have to take 2/3 vote or not it's clearly an administrative nightmare. I think, also, the argument saying that if you pass a constitutional amendment saying we will not go over 10% on any budget, we might be impressing the people saying, "yes, we're looking at spending," but if you were down in the Senate Finance room today I think you would have had an interesting normal day listening to departments coming in with real needs for extra financial backing such as the Department of Safety, they could see that certain portions of that budget, even though it's in the same agency have got up more than 10%, some have got to be cut out because of Federal Programs that may be going out and you would have an awfully hard time at the end of the session deciding exactly what you had to go through on a 2/3's vote so you would end up taking a 2/3 vote on the whole budget, which, of course does not help what we might call a goal which used to be to use our money in the best way possible and to make it stretch as far as possible. That is really what we're after and we can do it under the law.

Sen. JACOBSON: Senator, there was one statement that

puzzled me a little bit and that was your reference to this matter of a constitutional amendment relating to the present Governor's effort to have 10%. Were you predicting a very long tenure for the present incumbent, since constitutional questions once adopted, have a long tenure?

Sen. SPANOS: I was being a little facetious when I indicated that we have a chief executive that indicated that we would keep within the 10% for all agencies. It's very possible that Gov. Thomson may have a tenure of several more years, or we may find ourselves with another Governor Thomson.

Sen. FERDINANDO: Mr. President, one of the observations that I have made is that I think that it is very important to all of us especially as we approach the end of the session to have an accountability. What happens is that very often we are not aware of the increase — everything is terrific up until the very last minute and this should force us to be very aware of exactly what we are passing in the budget and I think that it gives us an opportunity to have the case presented to all of us on the hows and whys the certain monies are being appropriated.

Sen. BRADLEY: I rise in support of Sen. Spanos motion to indefinitely postpone. There are two further points to amplify my earlier remarks. There were four witnesses, on this bill, one being the Senate President himself who spoke in favor of it, there were three other witnesses who we classified as speaking against it, although to be truthful, one of them simply got up and raised questions on the bill and said he didn't wish to be recorded one way or the other. There wasn't an awful lot of testimony, it only took a very few minutes. Secondly, in replying to the point of demonstrating to the public our responsibility and accountability, it seemed to me at least and I think that it was expressed by some other members of the committee that we can better the state by our votes in what we vote on the budget, but if we think that we need to have a rule or a law that we can point to show our accountability, it seems to me that it would be much sounder to do it by way of a rule which would require that any appropriation exceeding 2/3, by exceeding 10%, are brought particularly before the legislature for debate. I think our constitution already has a number of items which would lock us into a figure or a percentage or the likes quickly got out of date, who are we to say that the 10% figure might be at all meaningful to the Senate 20 years from now. I just don't think

that the constitutional amendment is a Trowbridge way to deal with this type of problem.

Sen. DOWNING: I move that CACR 5 to made a Special Order of Business, Thursday February 15th at 7:31 p.m.

Adopted.

SB 9

increasing the penalties for the commission of armed crimes. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would have the aspect of simply increasing the penalty which is already provided for crimes which are performed by means of a pistol or a revolver. The penalty which is provided is a mandatory penalty already. The Committee felt that this particular revision which is already sufficiently covered by existing law and also by the Criminal Code which will be coming into effect in November. Throughout the code there are various provisions which increase the maximum penalty which can be imposed where the crime is committed with a deadly weapon which is part of the broader definition than the term which is used in this bill which is merely a pistol or a revolver. It is ample under the Criminal Code under the penalty of death if effect is performed without a deadly weapon, it is classified as a Class B felony, but if performed with a deadly weapon it is increased to a Class A kind of business. Now, one of the important issues that we followed in facing throughout this session is a question of how much can one attempt to tinker with the Criminal Code and to destroy its theme before it becomes law. The Criminal Code, I feel, is a very significant document, a very significant advance in establishing a principle and comprehensive criminal set of laws. Our criminal laws have grown up like Topsy as there has been in the last several years a very intense study with a lot of good thinking going into it which evolved into the Criminal Code which was adopted last session and is to be effective this coming fall. If this bill is enacted it will fly in the face of the scheme of the Criminal Code, and I would feel I suppose that the majority of the committee which did vote on this, in favor of inexpedient feel that it is unwise.

Adopted.

SPECIAL ORDER OF BUSINESS AT 1:01

HB 121, relative to exemption from resident tax members of the armed forces. Ought to pass.

Sen. LAMONTAGNE: I had asked for the Special Order of Business because of resident taxes for servicemen who are in the service. After talking with Sen. Bradley I would like to withdraw the request I had requested.

Adopted. Ordered to third reading.

ANNOUNCEMENTS

The CHAIR: The Governor will present his Budget Address at 1:00 on Thursday the 15th of February. We will meet in Joint Session at that time and then will meet in Nashua that evening.

PERSONAL PRIVILEGE

Sen. FOLEY: I would like to read an article which appeared in the Sentinel.

SNAPS FOR A REF

To The Sentinel:

In what happens all too seldom at athletic events, Junie Blaisdell of Keene received an immediate and thunderous public ovation at a recent Fall Mountain vs. Monadnock basketball game he was refereeing at Langdon.

It came about due to some rotten talk coming out of the stands by a very small group of so-called fans trying to harass the opposition's players.

Blaisdell told them off in no uncertain terms and promised their future ejection from the gym, which delighted everybody.

This is partially why Blaisdell and his partner, Louis Faucher, are so popular and respected in this area.

I also thought the instantaneous audience response to Blaisdell was most commendable and from the type of gathering that makes watching athletics a pleasure.

DAVID CONANT

Charlestown

The CHAIR: I have appointed a committee on Research, staffing and facilities. This committee will be chaired by Sen. Ward Brown, Vice Chairman, Sen. Blaisdell and the other two members are Sen. Roger Smith and Sen. Preston.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until Wednesday at 1:15 and in honor of Abraham Lincoln.

Adopted.

LATE SESSION Third Reading and Final Passage

HB 36, relative to the notification of foreign corporations of suspension for nonpayment of fees.

HB 37, relative to filing first annual returns by corporations.

HB 39, relative to the prohibition of county commissioners from simultaneously holding any other county office.

HB 121, relative to exemption from resident tax members of the armed forces.

Adopted.

CACR 10, Removing the Deadline Date on Paying Legislative Mileage. Providing That: The First Day of July be Repealed.

Division Vote: 22 Yeas, 1 Nay.

Adopted.

Sen. Bossie moved the Senate adjourn at 2:20 p.m.

Wednesday, 14Feb73

The Senate met at 1:15 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh God, the source of all wisdom and grace. We remember this day in our prayers. The Great Emancipator — Abraham Lincoln, Who did so much for the good of all peoples.

May he be an example for us to follow as we labor together to do our work. Let us ever be mindful of the rights of others, so that our government which is, "of the people, by the people and for the people, shall not perish from the earth."

Help us O Lord, we pray, so to do the same. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by the Hon. George Roberts, House Majority Leader.

Sen. PORTER: I move that the Senate adopt an amendment to Senate Rule 27 a copy of which has been passed out to the membership and the Clerk. The members will recall yesterday that the Senate President indicated his desire to establish a new additional Senate Committee, namely concerning research, staffing and facilities and indicated that Sen. Ward Brown would be the chairman of that committee and with keeping with our bookkeeping, our housekeeping or whatever, the rules and resolution committee hereby proposes to change Senate Rule 27 by adding at the end research, staffing and facilities, five members. The Committee on Rules and Resolutions urges the adoption of this amendment.

Adopted, by the necessary two thirds vote.

RECESS

AFTER RECESS

The CHAIR: The fifth member of the research, staffing and facilities committee will be Sen. Trowbridge. We hope that our recommendations on the Senate will be better received by Finance if we have a member who is also serving on the Finance Committee.

Sen. PORTER: Mr. President, I move that the rules of the Senate be so far suspended as to allow the introduction of a Committee Report not previously advertised in the Journal. That resolution being SCR 2.

Sen. PORTER: Mr. President, SCR 2 as introduced by Sen.

Poulsen and he will address his questions in a moment, I would just like to say that the Rules Committee has reviewed it and has concurred that the reading of this bill or this resolution be read and as a result be passed should the Senate see fit to allow its introduction today. The resolution simply requests of Congress or memorializes Congress to continue the existing capital gains treatment of income in regards to timber expressly here in New Hampshire. At this point I would like to refer to Sen. Poulsen for a more lucid explanation of the context of that resolution.

Sen. POULSEN: The resolution does just exactly as Sen. Porter explains, it simply retains the capital gains treatment to sales of timber, which, if taken away would not only hurt loggers, but every farmer in the State of New Hampshire would be hurt by it. Everytime anyone sold any logs or stumpage they would have to pay full tax on it instead of the 50% Capital Gains Tax. It couldn't do different but hurt the practice of forestry if this was changed, so I strongly urge you to vote for this resolution which would just memorialize Congress to leave the law alone.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 249, relative to the power of Castle Junior College to grant a degree. Referred to Education.

HB 75, relative to fines for depositing litter in prohibited areas. Referred to Judiciary.

HB 122, providing for rules of professional conduct in the practice of engineering. Referred to Ways and Means and Administrative Affairs.

HB 8, repealing the bounty on bobcats. Referred to Recreation and Development.

COMMITTEE REPORTS

CACR 7

Relating To: The Number of Jurors in All Jury Cases in the Superior Court and the Kind of Verdicts Required to Prevail. Providing That: At the Superior Court Level, Jury Verdicts shall in Criminal Cases Require a Unanimous Verdict and

in Civil Cases, a Nine to Twelve Verdict. Ought to pass with amendment. Sen. Bradley for the Committee.

AMENDMENT

Amend the title of the resolution by striking out the same and inserting in place thereof the following:

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENTS

RELATING TO: The Number of Jurors Required in Civil Cases in the Superior Court and the Kind of Verdicts Required to Prevail.

PROVIDING THAT: At the Superior Court Level, Jury Verdicts in Civil Cases Require at least a Nine out of Twelve Verdict.

Amend the resolution by striking out paragraph I of same and inserting in place thereof the following:

I. Resolved, That Part First of the Constitution of New Hampshire be amended by inserting after Article 20 the following new article:

[Art.] 20-A [Civil Juries in Superior Court.] In all civil cases in the superior court where a jury has heretofore been permitted, the jury shall be constituted of twelve jurors, and their verdict shall be at least nine out of twelve in favor of the prevailing party.

Further amend the resolution by striking out paragraph IV of same and inserting in place thereof the following:

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the general court:

Are you in favor of amending the Constitution to eliminate the requirement that all jury verdicts in civil cases shall be unanimous and to provide that such verdicts shall be at least nine out of twelve in favor of the prevailing party?

Sen. BRADLEY: Mr. President, you may recall that this particular CACR was referred out with recommendation of ought to pass with amendment the night we were in New Boston. The objections raised at that point about some of the particular

wording of the amendment was discussed and it was recommended to our Committee for the purpose of changing the amendment which appears on page 44 of today's calendar. The changes were quite minor, they did not involve substance for example, in the introductory clauses we had reference to nine to twelve verdict implying that there were twenty-one jurors and not in fact twelve. That has been changed to nine out of twelve. Also we read the question which was to be proposed to the voters. It was to request clearer what was the effect of the amendment. We are doing two things then by eliminating the requirements. That all verdicts be unanimous and that at least nine out of twelve be sufficient. There is really nothing very different in substance in this proposal than there was in the former.

Sen. FERDINANDO: I move that CACR 7 be inexpedient to legislate.

I feel that I think we have to understand how serious this resolution is to everybody in the State of New Hampshire. I think that we are talking that we are only limiting this to Civil Cases, but I am sure that any of us that are going to be sued and lose our life savings as a result of it, I think that we all want to be assured that we were guilty and not having nine people feel that we were guilty and three felt that we weren't guilty — I think that it's that serious an issue and I would hope that the people in N. H. would at least know that if they're guilty, let's be assured that all twelve jurors feel the same way. For that reason, I vote that we would defeat this resolution.

Sen. DOWNING: Senator, I wonder if you could expand a little more in detail of the merits of this?

Sen. BRADLEY: First of all, let me say that the use of the term "guilt" by my brother, is not particularly accurate because we are talking only here about Civil Cases. Where the issue is usually one that some of us have thought is usually reserved in cases of Criminal Law. It is a question of whether or not you are going to be convicted of a crime and there the constitution authorizes, and the Judiciary Committee agrees, that verdicts should be made unanimous. A person shouldn't be deprived of his life, liberty and property under the Criminal Law unless it's beyond a reasonable doubt that all jurors vote. However, the question is, generally speaking most often, someone was negligent and that simply means that someone was somewhat

careless. It's not involved in taking away anybody's liberty, they are not going to be sent to jail, the question, usually whether someone has to respond. I guess almost whether someone has to respond or pay the plaintiff for damages for which he has suffered. Now, in most cases, of course, the question is whether the defendant's Insurance Company is going to be making the payments although the Jury doesn't know that, it can't be told about the matter which is covered by Insurance, but in most of the cases, for example the most common one being of automobile cases, it's a question of whether the defendant's insurance company has to pay the plaintiff for his injuries and his damages. Now, in that kind of a case, my personal feelings as someone who has practiced law and experienced the 'hung jury' that it is really an injustice to everybody where the Jury has voted at least nine to twelve and sometimes it's ten to two. In those cases, to have the entire case declared a mis-trial and that's what happens— we try a case, the Jury votes three to one that the plaintiff has proved his case and should be entitled to recover. Three people can, in effect veto that or one quarter of those people veto that and then that's filed and declared a mis-trial. The plaintiff gets nothing and has to go back to Court and try the thing all over again with a new Jury. This is just an inefficient way to go about this matter, it is costing the clerk and the judge and the people who have to participate in it. It is particularly very frustrating in particular to an attorney who may have had experience in it, I can assure you that having recently experienced a similar situation, I think that still the minority of jurisdictions has gone to the less than unanimous decision. I do think that it is the enlightened and progressive trend and I do think that we will be seeing other States going for the rule of allowing the nine out of ten or twelve, or in some cases, it's even recommended an eight out of twelve should be sufficient.

Sen. BOSSIE: Mr. President, I would like to speak against the Senator's motion to deem this inexpedient to legislate. I would like to speak in favor of passing this resolution. In my opinion a constitutional amendment of this sort would be in order by virtue of the fact it would save the State substantial sums of money by not requiring re-trials in cases where one or two jurors held out in a Civil Case. Now, in a criminal case, I think this is important because it's life and death — very important in one's life, I think unanimous verdict should be re-

quired. But in a Civil Case, we aren't speaking of the same Legal Standard. A criminal case is beyond a reasonable doubt — there's the standard. In a case, such as an automobile accident we could refer to or some other Tort or other which is not a Criminal Action, what we refer to is that if there is any evidence, more than likely the defendant did a certain thing or did not do a certain thing and we will find to the plaintiff and vice versa. I never had, personally speaking, a definite case which had a 'hung jury', but it has been a common occurrence in our courts that this has happened. When one person does hold up in a civil case even in a jury of twelve people, that's fifteen or twenty dollars a day plus a judge, and clerks and everything else, I do feel that the constitutional privileges and surely the protections that are offered to the defendants in cases where there would be only nine jurors out of twelve that would vote for it. I think that this would be sufficient and adequate and therefore, for that reason, I rise in support of the Committee Report and opposed to the motion, inexpedient to legislate.

Sen. SPANÓS: Sen. Bossie, isn't it true that when you do have a mistrial and another trial is held, that it is the County Taxpayers and local taxpayers that would have to pay for both of the bills?

Sen. BOSSIE: That is correct.

Sen. TROWBRIDGE: Sen. Bradley, just in line with this whole discussion, what effect, if any will the probability of having some sort of "no fault" bill passed in some form, what influence will that have on all these Civil Cases in the Jury System?

Sen. BRADLEY: Well, hopefully, there will be fewer cases which would have to be tried and would get before a jury and it will ease the burden on purses that's one of the effects that you would hope would happen on a "no fault" plan. Now, these relate only in a case, it seems to me only these two areas will always when you get outside the "no fault" area, that is if you adopted a threshold for example where you are allowed to court just as you always have in the past and then you are back to the situation you presently have. Or, there are various other proposals where you wouldn't go a no fault route, you would go to court. So that, if you go the "no fault route," then really, there is no relationship and this Bill would have no effect on the payments of "no fault" that I can see. If, on the other hand,

you end up in Court suing, this would have an effect and hopefully would eliminate a number of mistrials that occur each year.

Sen. JACOBSON: Mr. President, I have had some of the same questions in my mind as Sen. Ferdinando has, and I was persuaded by the argument of my Judicial colleague, Sen. Bos-sie, when we discussed this matter of the distinction between a preponderance of evidence and beyond the reasonable shadow of doubt. But, I think that one further point that ought to be brought out and that is that this proposition will alternately go to the people and I think that it is a sufficiently reasonable proposition that the people ought to have the opportunity to say on these issues on Civil Cases whether they want to retain the unanimity to acknowledge this under civil cases or whether they want to go to one that has no leeway, that is the $\frac{3}{4}$ or 9 out of 12 votes and on that basis, I must oppose the present motion and support the Committee Report.

Sen. S. SMITH: If this were adopted, if not to some degree, would it not put a stop to one of the problems in Juries when one juror or maybe two hold out by a very, very high verdict and the others to resolve it will finally go along with the jurors whereas this other way, with nine, you would be less likely to get into this situation before a group attitude than one person holding out.

Sen. BRADLEY: Yes, it is a good point and hopefully can be a little bit more to Sen. Sanborn's question because if that sort of case did get to the Jury, under the present system, one person voting in favor of the plaintiff, but a lot of those were in favor of former, could force this thing into a "hung jury" or a mistrial and then the plaintiff would get another chance to go up before another jury.

Sen. FERDINANDO: Sen. Bradley, is it true that a lot of people on the referendum would not have the opportunity to read this testimony and how we voted on this?

Sen. BRADLEY: That's true. The fact remains that the requirement of a unanimous vote is in the constitution and we only have that method by which we can change that rule, and if we think that rule ought to be changed than we will have to ac-

cept the order of procedure there is to which we can make the change.

Sen. POULSEN: I move in support of Sen. Ferdinando's motion that this be made inexpedient. I am no lawyer, but I am a good customer of lawyers and I had one law suit pending for seven years. During that seven years the price of the settlement went up steadily so that, where I had been well insured to begin with, I was quite ill insured at the end of the time. The case was settled, I had no trouble, but I certainly wanted to be proved 100% liable than 75% liable. I don't see why civilly you shouldn't have as much protection as criminally. To take one's life earnings away is fully as serious, or more so, than being in jail for 30 days. I think we should keep the law the way it is.

The motion on the floor is one by Sen. Ferdinando who moves that CACR 7 be ruled inexpedient to legislate.

Division vote: 4 Yeas, 19 Nays.

Motion defeated.

The CHAIR: The question is the adoption of the amendment as offered by the Committee.

Adopted. Ordered to third reading.

Division Vote: 19 Yeas, 4 Nays.

SB 20

providing that motor vehicle liability coverage may not be reduced because of lack of cooperation of the insured. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this is somewhat of a technical bill and let me attempt to explain what the present law and situation is and what the bill intends to do. If you were involved in an automobile accident under the existing law and you sued the person you claimed caused the accident and then if that person decided not to cooperate with his insurance company, that is he will not come to hearings, to depositions, or to trial and is uncooperative with his own insurance company, the insurance company can refuse coverage for everything in excess of the minimum coverage of \$20,000 to \$40,000, so that this cooperation clause that the bill deals with, is a clause in the insurance policy which gives the insurance company a hold on its policyholders to force the policyholders to cooperate with them

when they have to defend a case. Now, what the bill is attempting to do is to do away with the cooperation clause because there is the possibility of injustice to the innocent plaintiff who is not at fault sues the negligent defender who doesn't cooperate with his insurance company. The innocent plaintiff ——— against anybody because the insurance company can refuse coverage and cannot meet the minimum requirements, so the person who was gravely injured, who was innocent and should be entitled to recover who would otherwise be prevented from recovering because of this law and clause. So the purpose of the bill is to avoid that type of injustice, however, the problem as the committee sees it in attempting to deal with that injustice as the evidence before the committee indicated is quite rare. The problem on the other side of the coin is that the insurance company doesn't have this type of hold on its policyholders requiring the policyholder to cooperate there would be no incentive for people to cooperate and this (one) is unfair to the insurance companies but more importantly I think in the minds of the committee is the fact that cooperation is the basis on which premiums are determined and if the insurance companies are prevented from these cooperation clauses, this is going to make them pay more judgements and the rates for all policyholders and the general public is going to be increased, so that on balance we felt that attempting to deal with the few injustices that may indeed result, that those were not as weighty on one side of the scale as the result would be if we passed this particular bill. So on the basis of this, the committee has reported the bill inexpedient.

Adopted.

SB 18

requiring reflectorized number plates on motor vehicles.
Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill has been entered as a safety measure. As many might have noticed, the State of Maine has entered as a safety measure reflectorized number plates for several years. These plates will pick up and reflect the lights of another vehicle for several hundred feet. A vehicle parked on the roadside without lights might be first observed by the reflectorized lights. These reflectorized lights will, on the first indication of a motorist, that a parked or disabled vehicle is ahead. At the hearing on this bill, no one appeared in oppo-

sition. One person was there and asked how much the cost of the reflectorized plates would be. I am told that in Maine the cost is between 30 or 40 cents for two plates. I am told that new equipment would be required for the reflectorized plates. This bill allows the Director to add to the cost to the charge made for vehicle plates. This will not be required for the use of any State funds. Mr. President, I urge the passage of SB 18.

Sen. BOSSIE: Did your committee or you, personally, in proposing this bill ever consider the possibility of adopting the procedure similar to Massachusetts whereby the number plate will be used for several years and would issue tags yearly? In addition to this question, if we are to have more expensive plates, is there any way we can do this?

Sen. SANBORN: It won't make any difference if the plates are for one year, two years or three years. People in Maine have the two year plates with the tags now.

Sen. BOSSIE: Have you considered proposing a bill of this nature?

Sen. SANBORN: No sir, I haven't.

Sen. S. SMITH: Can you tell us who testified in favor of this bill?

Sen. SANBORN: There was one gentleman from Amherst there and myself. The department of safety told me that they would be there but that day there was so many other hearings they didn't have anybody present.

Sen. S. SMITH: With these reflectorized plates in other states as I understand it, the plates are issued for more than one year and yet I see here that it specifically says every year this is to follow through with the previous question. Wouldn't it be better to have them issued every two years? It would cut postage, and would it not cut the cost of production of plates?

Sen. SANBORN: It certainly would over a two year period. This bill was written on the basis of right now and we would have a yearly plate. I understand that another bill is coming in to extend the period of plates for more than one year.

Adopted. Referred to Finance.

PERSONAL PRIVILEGE

Sen. LAMONTAGNE: I am very, very happy, Senators, as

I have just found out that my camera has been found in the area of the old telephone building. I don't know why it was there, I don't park my car there, anyway finally my camera has come back.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn, we adjourn until tomorrow in Nashua at 7:30 and with grateful thanks for our P.O.W.'s return.

LATE SESSION

Third and final passage

CACR 7, CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENTS RELATING TO: The Number of Jurors Required in Civil Cases in the Superior Court and the Kind of Verdicts Required to Prevail. PROVIDING THAT: At the Superior Court Level, Jury Verdicts in Civil Cases Require at least a Nine out of Twelve Verdict.

Division Vote: 18 Yeas, 4 Nays.

Adopted.

Sen. Sanborn moved the Senate adjourn at 2:20 p.m.

Thursday, 15Feb73

The Senate met at 7:30 p.m. in Nashua, New Hampshire.

A quorum was present.

Sen. NIXON: I would like to introduce Mayor Dennis Sullivan for the purposes of welcoming the Senate to Nashua.

Mayor DENNIS SULLIVAN: Thank you, Sen. Nixon. Rumor has it that you have ambitions for being Governor. With a name like that, you should go all the way.

It is a pleasure to greet the Senate here today and I think it is a great idea that you have given the people of Nashua the

opportunity to see that, contrary to the definition of the surname, Senate, (it is supposed to be old and wisdom is supposed to come with age) — I think it is a youthful looking group and should be indicative of true representation of those who are going to take over. I wish you well in your deliberations and it is a pleasure to greet you and to participate with you here tonight. Good luck in your deliberations.

Sen. NIXON: Thank you very much for your gracious remarks, Mr. Mayor. It reminds me of Abraham Lincoln's story about the man who was being ridden out of town on a rail after being tarred and feathered. When asked what he thought about it he said, "If it were not for the honor of the thing, I'd just as soon walk."

Thank you very much, ladies and gentlemen, for your kind welcome. This is a regular session of the New Hampshire Senate. The purpose of these meetings is to give the people in the various towns and districts of the State the chance to see the government that they are paying for, actually work. Here tonight are all twenty-four Senators and we are going to proceed into the regular course of business after a brief history of the Senate and I might say prior to this, that there are various guests and representatives in the audience who will be recognized. The Senate business will tonight be conducted by the three State Senators who represent this area of the State, they being Senator John McLaughlin of Nashua, Senator Thomas Claveau of Hudson and Senator Frederick Porter of Amherst. I might also say that the idea of having senate sessions in various areas of the State, rather than in Concord, for the purpose of giving people the opportunity to see what the New Hampshire State Senate is and how it operates, was first conceived by Senator Porter and was elaborated on by Senator Trowbridge of Dublin and it has fallen to me to be the victim, as it were, of its implementation. I might say that the credit for the idea goes to those two gentlemen. I am pleased to call upon Legion Post No. 48 of Hudson for the Purposes of Presentation of the Colors:

PRESENTATION OF THE COLOR GUARD

Capt. Thomas McGee, Sergeant Maurice J. Levesque, Sergeant George Joslin, Sergeant Tex Pointer, and Sergeant Armand Malafant.

Senate Prayer was led by Reverend Arnold D. Johnson, Amherst Congregational Church.

Almighty and all present power, we do not so much invoke Your presence, as we beseech you to grant us an awareness of Your presence at all times and in all places, but particularly in the deliberations to come before us this night.

Grant that the members of this Senate may be given the wisdom and ability to conduct their affairs to the end that our beloved New Hampshire may be a better place to live for all her people.

If there be disagreement on the ways to achieve this end, let it be without disagreeableness, but with patience and understanding, one of another; that out of conflict may come creative solutions to the problems of our day.

Turn our strength and minds to tasks of justice, mercy and peace so that in our labors for the common good, we may find the joy and exaltation of serving you and our fellow men. Teach us to do so in truth, humility and love. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Senator John McLaughlin.

Sen. NIXON: I will now call upon Sen. McLaughlin who will preside over the next portion of Senate Business.

Sen. MCLAUGHLIN: Thank you, Mr. President. The Senators have had a long day. They were in Concord for committee hearings today and for the Governors budget address and we are glad to see them all here with us tonight.

For the folks who don't know too much about the Senate, we have a gentleman here who has had a lot of experience with Concord and what has been going on up there for years, so we thought it would be nice if we brought him along tonight to explain to you folks the background of the Senate and what it is basically about. His name is Leon W. Anderson of Loudon. He became Legislative Historian in 1967. Prior to that, he was the political editor for the Concord Daily Monitor and served in that position for 41 years. He has since spent a lot of time to compile a history of the U. S. State Senate dating back to its start in 1680.

He has since devoted considerable time to compiling a history of the N. H. General Court, dating back to its birth as a colonial Assembly in 1680, and its affiliation with Massachusetts before that. This is a first such project ever launched in the U. S., and its completion is nearing.

Anderson has meanwhile devoted much time to related projects. He originated and arranged the 1969 celebration of the 1819 State House, financed by a souvenir liquor bottle he dreamed up. This included a pamphlet history.

Anderson has also produced pamphlet histories of the Old Man of the Mountain, the State House Eagle, General John Stark, each being accompanied by a souvenir liquor bottle, which financed the projects. He has also produced other papers on various aspects of the state's legislative and political life, and others are in the works.

Anderson gave up drinking 25 years ago, smoking 16 years ago, and says women have given him up in the interim.

He also insists that he earned heaps of money while slaving for the Monitor but his boss, the late Jim Langley, put most of it in the bank in his own name.

Anderson was born in Graniteville, Mass., on April 8, 1902, became a quarryworker at 14, and joined the Monitor at 24, following three years of studies with an International Correspondence School course in typing and English.

He served one term in the Legislature in 1943, served on a 1945-46 interim study commission which sparked a state program to combat alcoholism in the 1947 Legislature, and served on the State Racing Commission, as a Republican member, for four years up to 1969.

Anderson resides with Mrs. Anderson up a dirt road in Loudon, amongst pine trees. They have two grown daughters,

LEON ANDERSON: We are happy to be on this program, for being part of a session of our 190-year-old New Hampshire State Senate is fun, even though it's for only a handful of minutes.

We worried upon learning that this evening's first legisla-

tive session ever held in Nashua was to include prayer by an Amherst clergyman. For we recalled that the first time an Amherst clergyman was invited to serve as a legislative chaplain, he was promptly fired for doing a bum job of it.

Back 175 years ago when the Legislature met in Hopkinton, Joshua Heywood of Amherst, 37-year-old divinity student, was hired as chaplain. No sooner had Heywood presented his first prayer than the legislators passed the following resolution before sundown:

"That in consequence of certain expressions used by Mr. Heywood, in his prayer in the House, and his omitting to pray for the President and the Congress of the United States, this day, that this House do not wish any further services from him as chaplain — and the assistant clerk be directed to furnish him with a copy thereof."

There's no record of the disputed prayer, for the chaplain's remarks were not then put into legislative records as they now are. Young Heywood demanded a hearing, to defend his prayer. But he was talked out of it, and the following year he became a settled Congregational pastor in Nashua, then known as Dunsstable.

And now, of course, we once again worried over nothing, because the Reverend Arnold Johnson, a fellow Scandinavian, of the Amherst Congregational Church, has just given us an excellent invocation as guest chaplain for this memorable occasion.

We assume that Rev. Heywood prospered with his Dunsstable flock. And he gave Amherst history, for he was the only man in Granite State annals to be fired as a legislative chaplain!

We are supposed to give a brief portrait of our Senate and its workings. But first, being an ancient newspaperman, we beg a moment to pay our respects to our Nashua associates, old and young.

We recall Orren C. Moore, who launched the Nashua Daily Telegraph 103 years ago as this city's first daily newspaper. He never went to school, being a millhand at 11. But he became one of Nashua's most illustrious citizens, and served seven terms in the Legislature, including the Senate in 1879, the first time it went into biennial sessions.

We labored for many years covering the Legislature at Concord with the late Editor Fred Dobens of the Telegraph. And now effervescent Editor Al Rock of the 1590 Broadcaster is a freshman legislator and kicking up a bit of Concord dust!

New Hampshire's State Senate was created when our present state constitution became effective in 1784, just after the peace with freedoms won in the Revolutionary War. It was first comprised of 12 men and they represented property, then the main measure of wealth.

Then 95 years ago the state government was changed from annual to biennial basis and the Senate was enlarged to 24 members, which it has been ever since.

The Senate, like the House, is the poorest paid legislative body in the world. Its members get \$200 for two years of duty. This was good pay back in 1889 when it was written into the constitution. But it should be more, these days, and we trust that we may live to see it modestly increased, for it now is less than inmates of the State Prison are paid.

The Senate, like the House, meets only six months every two years. And its members are kept busy, for they must act upon several hundred bills and resolutions, and related subjects. The Senate has 14 permanent committees, each with a membership of from five to eight Senators. So when you spread 24 Senators into upwards of 100 committee assignments, it's no wonder some of them look like whirling dervishes at times!

The Senate is the upper branch of the General Court — a name which only Massachusetts and New Hampshire officially calls its Legislature. The constitution says the Senate is superior to the House, and it was created by popular vote of the people to watch over, and curb and dampen possible spending sprees, and other extravagances the 400-member House might on occasion indulge in.

Not too long ago, Senate representation was changed from wealth to population, as the House has always been apportioned, because of federal Supreme Court rulings.

The Senate, like its House counterpart, is one of the most democratic legislative bodies in the nation, if not the world. Every member has the right to be heard at all times and can sponsor bills or resolutions without fear or favor.

Even more important, every bill or resolution is given public hearing and all citizens at all times have the right to testify for or against them, before final disposal. When a bill is filed, it normally is referred to a committee for hearing and then initial judgment on its merits. Then the committee reports the measure with its recommendation to the Senate, whereupon it can be killed or passed, according to how the committee recommends, or the committee report can be overturned, and the bill can be passed or killed, regardless of what the committee which handled it says.

If the Senate passed one of its own bills or resolutions, then it must be sent "down" to the House for concurrence, before going to the Governor. But if the Senate passes a bill already approved by the House, then it goes to the Governor. Of course, if either branch amends a bill from the other, it must go back for concurrence on the changes, before going to the Governor.

Sen. MCLAUGHLIN: At this time I would like to introduce the members of the Senate and take a few minutes to hear a little about each one of them and what they do back in their own communities. You will see that some of these folks have a long way to go home tonight.

INTRODUCTION OF SENATORS AND SENATE STAFF

(Sen. Claveau in the Chair)

Sen. CLAVEAU: At this time we will now recognize the members of the general court and guests that are here with us tonight: Rep. Ernest R. Coutermarsh, Minority Leader of the House; Rep. Cecelia Winn, Ass't Minority Leader; Rep. John T. Winn, Rep. Duane H. Erickson, Rep. Earle L. Soule, Rep. George Thibeault, Rep. Lorraine F. Lebel, Rep. Patricia Skinner, Rep. John D. Wilcox, Rep. Juanita E. Kashulines, Rep. and Mrs. Wilfred A. Boisvert and Rep. Robert L. Gabriel.

I would also like to recognize at this time the former Speaker of the House, the Hon. Marshall Cobleigh.

Sen. LAMONTAGNE: Mr. Chairman, I would like to introduce Miss Shirley Skinner from Berlin, New Hampshire; also Mr. and Mrs. Clifford Carr from Berlin, and from Nashua, Donald Tibeault, who was originally from Berlin and my

daughter and son-in-law who are supposed to be here tonight and should be here any minute.

Sen. NIXON: I have the pleasure of introducing all of the Senate wives here tonight.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 57, lowering the age of majority to eighteen. (Bradley of Dist. 5; Porter of Dist. 12; Nixon of Dist. 9; Spanos of Dist. 8 — To Judiciary.)

SB 58, clarifying certain definitions under the charitable trust statutes. (Bossie of Dist. 20 — To Judiciary.)

SB 59, providing that no criminal penalty shall be imposed for failing to yield the right of way at an intersection. (Bossie of Dist. 20 — To Judiciary.)

SB 60, providing that no male under sixteen years of age nor any female under fifteen years of age shall be allowed to marry. (Bossie of Dist. 20 — To Judiciary.)

SB 61, relative to the administration of the workmen's compensation law as it affects state employees. (Bossie of Dist. 20 — To Ways and Means and Administrative Affairs).

CACR 22, Relating to: Establishing a four-year term for Governor. Providing that: The Governor shall be elected every four years on the non-presidential election years, and no person shall serve more than two terms consecutively. (Spanos of Dist. 8 — To Executive Departments, Municipal and County Government).

Sen. CLAVEAU: I will now pass the gavel to Sen. Porter.

Sen. PORTER: We will attend to House Messages.

HOUSE MESSAGES

SUSPENSION OF RULES

Sen. TROWBRIDGE: I move that the rules of the senate be so far suspended as to allow introduction of House Bills by title only and that they be referred to the appropriate committee by title only.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 155, relative to penalty for false statements for purpose of procuring fish and game licenses. Referred to Recreation and Development.

HB 217, relative to removal of junked vehicles along federal-aid highways. Referred to Resources and Environmental Control.

HB 192, relative to the definition of civil defense and the civil defense executive council. Referred to Executive Departments, Municipal and County Governments.

HB 257, relative to the prohibition of certain promotional games. Referred to Judiciary.

HB 43, relative to controlling use of heating or agitating devices in the waters of this state. Referred to Resources and Environmental Control.

HB 53, prohibiting the use of motorboats on the Cocheco River within the city limits of Rochester. Referred to Recreation and Development.

HB 72, relative to requirements and prohibitions for county officers and employees. Referred to Executive Departments, Municipal and County Governments.

HB 132, relative to definition of resident under fish and game laws. Referred to Recreation and Development.

HB 139, relative to the license fee required for oystering or clamming. Referred to Recreation and Development.

HB 171, increasing the maximum pension allowed for certain firemen, police officers and constables. Referred to Executive Departments, Municipal and County Governments.

HB 194, authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate. Referred to Ways and Means and Administrative Affairs.

HB 226, relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways. Referred to Recreation and Development.

HOUSE NONCONCURRENCE

The House has voted to discharge the Committee of Conference to which was referred the following entitled bill:

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

ENROLLED BILLS REPORT

HB 36, relative to the notification of foreign corporations of suspension for nonpayment of fees.

HB 37, relative to filing first annual returns by corporations.

HB 39, relative to the prohibition of county commissioners from simultaneously holding any other county office.

Sen. Provost
For the Committee

COMMITTEE REPORTS

HB 78

authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire Bank. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: This bill enacts a new section to chapter 395 providing that the bank commissioner of the state of New Hampshire may petition the superior court for a judicial decree directing the bank commissioner to appoint the Federal Deposit Insurance Corporation to act as liquidating agent of a bank insured by the Federal Deposit Insurance Corporation which has become legally insolvent or closed in the state of New Hampshire.

The Federal Deposit Insurance Corporation, upon acceptance of the appointment, is authorized to take possession of the assets, both legal and equitable, of such bank and cooperate with the commissioner of banking in completing the final liquidation of such institution and the vacation of its charter.

Adopted. Ordered to third reading.

HB 160

increasing the lending limit of trust companies on real estate mortgages in New England. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: This bill increases the lending limit on notes secured by a first mortgage of trust companies relative to its capital and surplus. The lending limit is raised from 70% to 100% of its capital and surplus on notes secured by mortgages on real estate situated in New England.

Adopted. Ordered to third reading.

SB 19

to further protect the citizens of New Hampshire from unfair and discriminatory practices. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill is amending the anti-discrimination law which is now on the books which as it now reads provides that it is improper and unlawful to discriminate on the basis of race, creed, color and national origin and so forth in the renting of any residence and also in the sale of a residence, this particular amendment would expand the existing law to prevent discrimination in the renting and sales of commercial property. The testimony before our Committee was that there has been a number of instances where the Bill of Rights, as printed by the Bill of Rights Commission, has found and believe there to be, discrimination based on some provocation in the rental of commercial property so they are powerless to do anything about it. If we pass this law, it will give them power to investigate and prevent such discrimination. There was no opposition to the Bill and the Committee voted unanimously for its passage.

Sen. JOHNSON: What about the ability to pay the rent? This is the key deal on commercial property.

Sen. BRADLEY: This would not prevent a person from refusing to rent on the basis of inability to pay the rent. This would only prevent someone from discriminating against race, creed, national origin, age, sex I think are the prohibited standards.

Adopted. Ordered to third reading.

HB 1

relative to the qualification and appointment of the Superintendent, Assistant Superintendent and Assistant Superintendent for professional services of the New Hampshire Hospital. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: The bill has been put together with members of the Governor's office and the commissioner of public health and the director of mental health and, basically speaking, what it does is take the power of appointing a superintendent to the Director of the Division of Mental Health and after consulting with the advisory committee and the Commissioner of public health and welfare to nominate a panel of two or more members to the Governor and Council for selection.

Sen. SPANOS: Mr. President, I rise in support of HB 1 as it is currently written, reluctantly. Let me say at the outset that I am sorry but I cannot concur with Governor Thomson's characterization of the passage of HB 1 as a "giant step forward" in the whole scheme of governmental accomplishments — unless the Governor means that is of great relief to him to see, that finally after six weeks, an Administration bill has surfaced for consideration by the legislature. In that vein I concur with the Governor that it is a "giant step forward."

I would have opposed HB 1 as it was originally conceived by the Governor because it would have, in the appointment of the Superintendent of the New Hampshire Hospital, by-passed many of the people who have any knowledge about the Hospital. Even under this bill those who will be in charge of recommending the name of the Superintendent are obligated to name two or more persons from whom the Governor and Council select one. And already the Governor has indicated who he might go along with. This subtle intimidation, I do not like.

Nevertheless, I recognize that this bill has been hammered out in compromise with the Advisory Commission of Health and Welfare, the Commissioner of Welfare and certain legislative leaders and if they subscribe to the bill as now drafted, I shall offer no objection to its passage.

But, let me say this. Let us not be misled into thinking for one moment that the appointment of a business administrator as head of the State Hospital will resolve the problems existing at this institution and return it to its accreditation. We must still

provide the funds necessary to meet its needs and the needs of those unfortunates who must daily spend their lives there.

I hope that the Governor's budget has provided sufficient monies to do the job. Only time will tell us this. But I am afraid for the future prospects of the Hospital in light of the Governor's budget statement today that "good management is more sorely needed at the hospital than new monies."

I hope for the sake of those "who daily cry for our sympathetic understanding" (using the Governor's words) that my fears are unfounded.

Sen. NIXON: Do I take it correctly that you recommend we vote in favor of the bill or against it.

Sen. SPANOS: I am recommending that you vote for the measure, but as I said, I am voting for it very reluctantly.

Sen. BRADLEY: Sen. McLaughlin, I am a bit concerned about a provision in the Bill that provides for a nomination of a panel of two or more people from which the Governor can choose. Specifically, what my concern is is whether the quality of the candidate is willing to have his name placed on the panel, presumably for all the public to see and then be the rejected candidate. I was wondering if that was not going to deter good candidates from being willing to put their name in nomination. Would you care to comment on that question?

Sen. MCLAUGHLIN: This was projected, however, between the staff in the Governor's office, and the Director of Mental Health, plus the Commissioner of Public Health, agreed that they should have several names or more so that they could select one from those names.

Sen. BRADLEY: Do I take it from your answer that you might be in favor of, or that these people might be in favor of, having a larger panel than possibly two from which the Governor could choose?

Sen. MCLAUGHLIN: They are saying here on this Bill 'two or more' from which the Governor can choose, this would have to be at least two. It says a panel of two or more persons duly qualified through training and experience as superintendent of the N. H. State Hospital.

Sen. BRADLEY: Am I correct in my assumption that the

panel, when this is presented, will be a public matter so that everyone realizes who is being turned down and who is being accepted?

Sen. MCLAUGHLIN: Yes, it will be.

Sen. TROWBRIDGE: Sen. McLaughlin, I understand the New Hampshire Hospital has lost its accreditation and one of the reasons that the Governor and I think most of us in this room are worried about the New Hampshire Hospital is that, with the loss of the accreditation, there comes the possibility that no one will want to be on the staff of the Hospital because, not being an accredited Hospital, you don't get any credits for working there. Have you got any assurance to me and to the other members of this party that the Accreditation Board which is located in Chicago, of all Mental Hospitals in the County, that that Board will accept a non-medical superintendent which is what House Bill 1 proposes?

Sen. MCLAUGHLIN: Yes, they will.

Sen. TROWBRIDGE: If so, and assuming that, do we have any assurance that the Commission on Accreditation on Mental Hospitals will come back and do a survey of the hospital sooner than the normal three year cycle in which they normally come back and accredit institutions so that your accreditation will not have to wait for three years in order that we find out whether we did get our accreditation back?

Sen. MCLAUGHLIN: I understand they will come back sooner, but before they can come back there is an awful lot of time and effort and money to put into the Hospital with proper trained people to correct the many ills that there are now at the present time.

Sen. TROWBRIDGE: Was there any testimony given at the Hearings that the Governor, or yourself, or the Committee would be requesting that the Accreditation Committee to scan the panel from which the personnel would be selected?

Sen. MCLAUGHLIN: If I hear your question correctly Senator, would our Committee scan the panel?

Sen. TROWBRIDGE: No. Was there any feelings that the nominees under House Bill 1, the two or more, was there any feeling that the nominees should be given to the Accreditation

Committee or something other than ourselves to see whether those people passed judgment of the Accreditation Committee?

Sen. MCLAUGHLIN: No there wasn't because we, ourselves, don't act on it at all. It goes directly to the Governor and Council from the Director of Division of Mental Health for the recommendation of the Advisory Committee.

Sen. TROWBRIDGE: Thank you.

Sen. DOWNING: Mr. President, I rise in support of House Bill No. 1 recognizing that it is a compromise that there isn't any one single thing that is going to answer all the problems of the State Hospital, but it is disturbing me that this Bill has been delayed as long as it has been between the House and the Senate. I would hope that it wouldn't be delayed any further and I respectfully urge everyone to support it and recognize what it is, the people directly concerned with this — this particular area — is a compromise and I think that we should act upon it as quickly as possible and expedite it.

Sen. LAMONTAGNE: Mr. Chairman and members of the Committee, I rise in support of House Bill No. 1. Personally, I have witnessed in the many years that I have been in this Senate that we had a problem with the Laconia State School and therefore, the problem of the Laconia State School got straightened out. Now, we have another problem here that I feel that it is necessary and it needs to be corrected and I am sure that something has got to be done and the longer that they're going to hold back on House Bill No. 1, the longer it is going to take to straighten out the matter that we now have pending, not only before the Board or the Board of Commissioners or even the Executive Department, but it's even before us, and I personally feel that this bill ought to pass now so that this correction at the State Hospital can start immediately after the appointment has been made.

Sen. SPANOS: Sen. McLaughlin, just to clear the air on which may or may not have been holding this Bill, how long has the Senate had House Bill No. 1?

Sen. MCLAUGHLIN: We got it Thursday afternoon and we had our hearing yesterday afternoon as fast as we could possibly have it — that would take two days in the Journal and two days, we had our hearing yesterday.

Sen. SPANOS: Sen. McLaughlin, During this session, have you seen that, when a Bill was messaged to us into the Senate, a rule could be suspended so it is passed through in the same day?

Sen. MCLAUGHLIN: Yes. I have.

Adopted. Ordered to Finance.

Sen. TROWBRIDGE: Mr. President, I move that the rules of the Senate be so far suspended as to dispense with the necessity of Public Hearing before the Senate Finance Committee and Report of the Senate Finance Committee and that the Bill be placed on third reading at today's session.

Adopted.

HB 52

changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This new name is mainly to give a more vivid description of the school as it exists today. As a matter of interest in 1858, it was known as the House of Reformation for Juveniles and female offenders against the law. In 1868 it was known as the Reform school and as it became larger and larger in 1881 it was changed to the Industrial school. With the emphasis today on vocational training and rehabilitation in working with the committee, this has left the mark on the children years after they have left the school. With the beginning of the changing value system and community involvement the best description of this school would be in the New Hampshire youth Development Center.

Adopted. Ordered to third reading.

SB 36

relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto. Ought to pass with amendment. Sen. Foley for the Committee.

AMENDMENT

Amend RSA 224:44b, III as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

III. Within twenty-five feet of any river, stream, or brook which will float a canoe at normal water level; or

Sen. FOLEY: Senate Bill 36 relates to the cutting of timber near public waters and highways and establishing and enforcing penalties relating to said cutting. Sen. Poulsen of Littleton introduced this legislation into the 1971 session of the legislature. The adjustment of this slash problem has been successful but it was found to be hard to enforce and another portion of the bill was found to be too stringent. This bill will change the terminology and also change the distances. The amendment pertains simply to these distances.

SB 36 prohibits removing more than 50% of the basal area of trees within one hundred fifty feet of any great pond, navigable river, or public highway or within fifty feet of any other river, stream or brook which normally flows throughout the year without written approval of the director of the division of resources and development of his agents. Penalties are provided. This bill also prohibits leaving slash or mill waste in areas where it would be undesirable.

Malcolm Chase, of the Department of Public Works and Highways; Mr. Paul Bofinger, Forestry; Brown Company and Timberland Association, Agriculture Commissioner, Howard Townsend; Forestry Consultants and many others appeared in favor of the Bill. The Committee urges passage of Senate Bill 36, as amended.

Sen. TROWBRIDGE: I would like to inquire, with all the law that we have passed, who actually enforces these laws? Who would arrest someone?

Sen. FOLEY: I will defer to Sen. Poulsen who is the consultant in the area of this bill.

Sen. POULSEN: This is enforced by the State Fire Wardens Service, department of DRED and under the supervision of State Parks.

Sen. TROWBRIDGE: Have there been any arrests over the previous law that you are making an amendment to?

Sen. POULSEN: There have been no arrests but there have been many difficult negotiations to get loggers to clean up illegal, or illicit waste that was left.

Sen. POULSEN: I rise in support of this bill. It is actually to clean up the difficulties that were left from a bill that was introduced a year ago known as a "Slash Law." This is a negotiation bill that puts penalties on — as negotiations between loggers and the fire warden department. It is suitable to everyone and I think it is a good bill.

Sen. CLAVEAU: I rise in support of SB 36. As a member of the committee, at the hearing there was much support in favor of this bill and no one appeared against it.

Amendment Adopted. Ordered to third reading.

SB 41

relative to increasing the amount of homestead. Ought to pass with amendment. Sen. Downing for the Committee.

AMENDMENT

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Repeal. RSA 480:2 relative to the applicability of homestead exemptions on executions prior to January 1, 1954, is hereby repealed.

3 Applicability. RSA 480:1 as amended by section 1 of this act shall not apply to attachments, sales on execution or levies made and to other liens accrued, prior to July 1, 1973.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. DOWNING: The amendment is printed on page 37 of today's calendar and relates only to the applicability date of the bill.

This bill as amended will update the homestead exemption from attaching creditors, from the present level of \$1,500 established in 1954 to \$2,500.

It means that if a person is attached, and a judgment received against him in court, and he is forced to liquidate his home and assets to satisfy creditors, he would be entitled to the first \$2,500 of such liquidation proceeds as a homestead allowance.

The committee felt this to be a reasonable adjustment in a statute area almost 20 years old, and I urge your support.

Sen. SPANOS: For decades, the legislature has protected the more unfortunate citizen of our state from being completely devoured by his creditors. That is why compassionate laws have been enacted in the past, which exempt or partially exempt from attachment and loss, certain properties and assets of the debtor.

Among some of these exemptions promulgated by the legislature are: wages, fraternal benefits, retirement benefits of teachers, police and firemen: Unemployment compensation benefits, workmen's compensation benefits, occupational tools, wearing apparel, household furniture, farm animals and the man's body which meant jailing him for a debt. (I am proud to have sponsored the legislation which eliminated this medieval practice.)

The legislature has also indicated (as early as 1851) that a part of the value of a man's homestead in which he resides and owns be exempt from attachment and sale for the payment of debt. Since 1954, the dollar value of said homestead has been \$1,500.00 (It was \$500.00 in 1851). Let me explain: If a man is sued and his homestead is attached and he loses his case and the court permits the creditor to sell the man's home because the debtor cannot pay the judgment, then, if the homestead is sold, the debtor will receive \$1,500.00 of the selling price and the balance would go to the creditor.

The same applies to a debtor going into voluntary bankruptcy or is forced into bankruptcy by his creditors. If his homestead is sold, he would receive \$1,500.00 of the proceeds and the rest would be distributed to his creditors.

In 1851, it was the intent of the legislature to secure a shelter for the family beyond the reach of creditors. And in those days most homesteads were safe. In 1954, when the legislature raised the exemption from \$500.00 to \$1,500.00, it would appear that the extent of the legislature was not to preserve the man's home for him but to avoid his losing everything and to give him a chance to start again.

This bill is an extension of that philosophy as it raises the homestead exemption from \$1,500.00 to \$2,500.00. It recognizes that it has been almost 20 years since the \$1,500.00 exemption was enacted and the cost of living and land values have increased significantly since that time.

The amendment offered by the committee meets with my approval as it avoids a constitutional assault on this legislation by providing that attachments and sales made prior to July 1, 1973 shall not be effected by the change proposed in this bill.

I urge the adoption of the committee report.

Sen. NIXON: I know that you're a lawyer of many years experience, distinguished experience. I am in favor of this Bill, but one of the things that always interested me about bills of this nature, as a lawyer also, I have never personally heard of any lawyer in N. H. taking away anyone's home in connection with a suit, an attachment or whatever. In your 20 or 30 years of experience as a lawyer, have you ever participated or heard of anybody who has experienced this?

Sen. SPANOS: I have never participated in taking anybody's home away from them, but I have been involved in cases, in particular bankruptcy, where there has actually been a sale of a home by the Trustee in which that was all the man had and he did receive at least \$1,500 to start with. It has happened on many occasions, Sen. Nixon, in my practice of law and particularly as a Trustee in Bankruptcy.

Sen. NIXON: Then the evil that this Bill will tend to remedy is not one brought about by lawyers, but one brought about by creditors. Is that correct?

Sen. SPANOS: Sen. Nixon, that was a self serving leading question that I will not answer.

Sen. BROWN: Sen. Spanos, you said this bill pertained to bankruptcy, but what about foreclosures on home mortgages, does that apply also?

Sen. SPANOS: This bill relates to more than just bankruptcy where the Homestead Right is involved. It also relates to the situation where a suit is brought, the man loses his suit, and then they sell his home. Now as far as foreclosures are concerned, generally when a man borrows money from a bank or borrows money from any individual, he signs on that mortgage that he waives his Homestead Rights so that when there is a foreclosure of his home, he will not get the \$1,500 because he has actually waived that right as part of the consideration to get the loan.

Sen. SANBORN: Sen. Spanos, I am a little bit thick and being a 'country boy' — now, I understand that if I owe you \$20,000, I can't pay the bill so my place gets sold, for say \$25,000. I get the first \$2,500 and you get the rest?

Sen. SPANOS: That is correct — now wait a minute. The place is sold for \$25,000 you would get the \$20,000 that I owe you. I would get \$2,500 and probably get the other \$2,500.

If you owe me \$20,000, O.K., and now I get a judgment against you for \$20,000, and I sell your home for \$25,000, as I said, the debtor, that would be you, would get \$2,500, and I would get the balance of at least \$20,000. I'm the creditor — I get the \$20,000 and you would get the additional \$2,500 over and above what you owed me. I don't get any gravy on that one.

Sen. BRADLEY: I would like to refer to an earlier comment of yours — you said in 1851 the statute served a certain purpose and it seems as if the purpose has changed. Do I understand you to imply that we are now actually providing less protection now to the debtor than the Legislature did over a hundred years ago even with this additional increase you are proposing?

Sen. SPANOS: That is historically correct. In 1851 they provided greater protection for the homestead owner than we do today. The only way that we could adequately provide the same protection as they did back in 1851 is to make the homesteaders' exemption somewhere around \$10 or \$15 thousand dollars.

Adopted with amendment. Ordered to third reading.

SUSPENSION OF RULES

Sen. SPANOS: I move that the rules of the senate be so far suspended as to allow the introduction of a committee report at this time without being previously printed in the Journal.

Sen. SPANOS: This resolution is the offering of our good Senator from the first district, Sen. Lamontagne, who is the dean of the Senate in longevity and is also the dean of suspension of the rules. However, the Senator from the First District just doesn't feel like asking the Senate "just one more time," so I am doing the dirty work. This resolution, SCR 3, Mr. President, memorializes Congress to enact legislation that will grant Social

Security increases without having welfare assistance of veterans' pensions reduced and I would like to yield at this time to Sen. Lamontagne for a more complete elaboration of the subject matter.

Sen. LAMONTAGNE: Thank you Sen. Spanos. I certainly appreciate the consideration you have given me for "just one more time."

Mr. President, members of the Senate, this Concurrent Resolution is an important one. I have served on the Study Committee on Surplus Foods last October. We discovered that this Social Security increased its benefits of 20% that it had effected some of our senior citizens in receiving surplus foods, the 20% increase had put time above the amount listed for surplus foods. So at that time the Committee contacted Mr. Johnson from the Surplus foods and therefore our senior citizens were extended to January 31, 1973, but myself, let me tell you now that effective January 31, 1973 these people have not been receiving surplus foods and I know what I am talking about. We have some people on Welfare receiving welfare assistance that have been reduced because of the 20% increase that are not getting any increases because of the increase in the cost of living. Effective January 31, 1973, because of the 20% increase of social security, we have had many veterans and widows who have been getting pensions, and I would like to give you an example. I have been appointed by the court to take care of this veteran who has no family. I have received from the Veterans Administration, they have given me a notice because of the 20% increase that he got last October. I had to drain some of his savings that he had and put it in a checking account to pay for his nursing home. There is a problem because the 20% increase given by congress in Social Security have been taken away by the other hand. These senior citizens, veterans and welfare people are suffering from it. I hope that a copy of this resolution can go to our congressmen so they will know of the cut that has been given to these people.

Adopted.

SCR 3

Memorializing the Congress of the United States to enact legislation which will grant the Social Security increase without having any welfare assistance or veteran's pension reduced.

Whereas, Social Security payments were increased effective as of October 1, 1972.

Whereas, there are social security recipients of New Hampshire who have been terminated from the donated food program and/or who have had their old age assistance grants or veteran's pension reduced as a result of receiving the social security increase.

Whereas, these particular recipients have thus had no actual increase in their economic status because of the reductions in their welfare assistance or veteran's pension.

Now therefore be it resolved by the Senate of the General Court of New Hampshire, the House of Representatives concurring:

That the Congress of the United States is hereby memorialized to enact legislation which will grant this recent social security increase without having any welfare assistance or veteran's pension reduced because of such social security increase, and

Be it further resolved, that pending such congressional action all federal, state and local officials, in their respective official capacities, are urged to attempt to remedy administratively this unfortunate situation, and

Be it further resolved, that these recipients are urged to exercise their legal rights to rectify this situation, and

Be it further resolved, that the secretary of state be instructed to forward a copy of these resolutions to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the congressional delegation from New Hampshire.

Adopted.

SPECIAL ORDER OF BUSINESS 7:31 P.M.

The time being 7:31 the chair will call for the Special Order of Business. The question is on indefinitely postponing of CACR 5. I will call on our Senator from the ninth district, Sen. Nixon.

Sen. NIXON: Mr. President, Members of the Senate, CACR 5 as you will recall is the proposed constitutional amend-

ment which if adopted by the necessary $2/3$ vote here in the Senate and then by the necessary $3/5$ vote in the House, and then by $2/3$ of the voters in N.H. voting at the next election, will become an amendment to the constitution of N.H., that is the only way we can amend our Constitution. What this bill would do, if adopted as I have described, would provide a 10% limitation on increases and appropriations for State Agencies and Departments of the State Government of New Hampshire unless $2/3$ of the House or Senate concurred an increase over and above the 10% ceiling, so called. You may recall that under our present practice, when the House and Senate get the appropriation bill each year, it's something like HB 918 two years ago, a bill like this consisting of numbers and figures and containing something in the vicinity of 140 pages. We ordinarily get a bill of this nature the day of, or the day before it is voted upon by the House and/or Senate respectively. It gives no time for consideration as to whether the total budget or appropriation is requested, are way in excess, less than, or equal to what they have been for the previous two years spending period. We are operating on a two year basis and there isn't much time left to debate, everybody realizes, a budget bill or an appropriation bill of some nature has to be passed and passed without much discussion, really. The facts are that in some cases, some State Agencies or Departments have in one spending period or appropriations period to another, increased their budget by something by 30 to 40 percent while others have been reduced to something in the 5 to 6 percent range. But none of this is actually being inquired into or often times are realized by the majority of the House and Senate who vote upon the bills. And the problem is, as I think anyone who has been much involved, and I do not claim to have been much involved, when estimating revenues is concerned is that revenues at State level, ordinarily do not increase by more than something in the range of 8 to 12 per cent per year in regards to the nature of the source. So on the one hand you would have revenues increasing at the rate of 8 to 12 per cent a year at the most 16 percent over a two year period and on the other hand you would have some State agencies and Departments increasing by 30, 40, 50 percent and in some cases a total budget, the total appropriation amount increasing by 20, 30, 40 percent. The net result is that you're spending more than you are taking in. The further result is that the State falls behind in what it can do financially, in increasing, it loses the

faith and trust of the people it is supposed to serve and there is no ceiling anywhere or red flag on the amount that can be spent or any organized way of knowing how much you spent at any one time or in any one biennium and this is the problem that has existed at the City level, with all due respect, Mr. Mayor, at town levels, at State levels and certainly at the Federal level where every year, as you know, a bill can increase the Federal debt ceiling by millions of dollars and people just don't understand and I rightly don't understand that if they have to run their household on the basis where what they spend is no more than they take in, how can a Governor do it and do it consistently as Governors have done. So, if this bill is adopted, it merely means, ladies and gentlemen, who have voted on this previously two years ago, I was a sponsor on it — we had a very lucky debate and we almost got the necessary 3/5 vote and I hope it will this time. It merely means that no particular agency or department of State Government can spend or ask to be spent more than 10% over what it had the previous spending period unless 2/3 of the House or Senate recognizes the need for the additional increase and goes along with it. In other words, a red flag is raised when the appropriation request of more than 10% gets into the House or Senate. And when the red flag goes up the people start asking, why do they need that much more money this time? It doesn't mean that it is going to be clamped on or a ceiling, it just means there will be some intelligent, hopeful discussion about the matter and that is way I hope that you will give favorable consideration to CACR 5 at this time. I will be glad to answer any questions.

Sen. S. SMITH: Mr. President, I rise in support of the pending motion and in opposition to the proposed constitutional amendment. The thought concerning our forms of Government is one which all of us cherish. I think the practicality of the adoption of this amendment would be a great handicap to the legislature in a realistic and meaningful appropriation in the passage of an appropriation Bill. In the last biennium, plus the current biennium for 1972 and 1973 the increase over the preceding biennium was 12%. Today, I understand, the Governor's message proposed budget, the increased budget over this biennium is approximately 18%. I think, to bring out a little bit of what the problems are, it would be interesting to go back on two Departments of our State Government. The total State appropriation, for the Department of Education in 1970 was

11.7 million dollars. In 1971 it went to 15 million, 6 hundred and eighty-seven dollars. In 1972 it took a 1/3 drop from 15 to 10 million dollars. In 1973 it increased by 2 million dollars to 12 million which made it higher than 72 but lower than 71. If this amendment were adopted it would mean that on this last biennium, we would have had to vote for a 2/3 vote increase to even a minimal standard. In the Department of Agriculture a similar situation occurred where, in 1970, 751,000 of State funds appropriated in 71, it went down to 593 — in 72 to 580, in 73 to 567. With these decreases each year, if there are needs within these departments to put a limit, would, I think be detrimental to the smooth operation of State Government. The funding of our State Government must be on a reasonable basis and a rational basis where all factors have an equal play. This amendment would not give the budgetary process an equal opportunity. I would like to also suggest that we look back on a piece of legislation which we have already passed this session, SJR 2. The way that measure was passed, because of the 2 million dollars, a million and a half dollars was appropriated in 73 to cover the 70 deficit. Within this fiscal year, we would have had to vote a back portion of the bill on a 2/3 basis. But that portion of the funds which were appropriated in the fiscal year of 1975 because there is no budget, would only have to be voted upon in a simple majority. What is a measure of 10%? In this relationship is it against the '72, '73 budget, or is it against the '73 budget alone? Or is it against the '73, '75 budgets? I think it is unclear in this constitutional amendment. I think it is also unclear as to whether we will take this 10% vote on State Funds, or a combination of State and Federal Funds. Another question — if we have a situation whereby a department head attempts to keep his budget below that 10% amount, and he comes up with an increase of $9\frac{1}{4}$ or $9\frac{1}{2}$, and the Legislature, has as a pay increase bill which is then slapped into the Department budget, then his budget, not because of action he took, but because he had no control of, that particular budget has to be voted upon on a 2/3 basis as I understand the amendment. I will not continue except with what I think is probably the most major point in this proposed amendment with which I cannot agree. We have over the years, and the last few years particularly, heard much about the concept of one man, one vote. In the adoption of this budget, we are denying this concept, one man, one vote. I think that it is imperative that a budgetary process to function smooth-

ly must operate on the one man, one vote basis. All of us who have been in previous sessions know the difference of passing a well balanced budget and one which takes into consideration all priorities. These are some of the arguments, at least I think are the basis arguments, but from a constitutional point, I think, also, that we must look at two of the major criticisms that we have of our State Constitution today and they number criticisms. We have just adopted an amendment in the Senate which would do away with the constitutional aspects of restricting the Legislature to debate July 1 deadline. And our Legislature is also limping under the \$200 restriction on pay, and on salary. I think it would be, not being able to foresee what may happen within the next 5 years, 10 or 50 years, what may happen in regards to finances when what we are now having is approximately 4% annual increase by inflation, what is going to happen 50 years or 75 years from now if this constitutional amendment is adopted. If we have inflation at a greater increase than we are presently having, I think that it could work a great hardship on the State.

Sen. NIXON: You speak of one man, one vote. Isn't it true that every town and every city that wants to vote a bond issue for, say, school construction purposes, a 2/3 vote is required?

Sen. S. SMITH: Yes, I think there are two very different aspects to this question. One is that the people are correct in voting directly and, secondly, is that we're voting for a budget, we're voting for a two year budget. We're only obligating the State on a two year basis. When we vote on a bond issue, we obligate the State with 10, 20, or 30 years — not only do we obligate ourselves, but our future generations.

Sen. NIXON: Senator Smith, bearing in mind that if we adopt this proposed constitutional amendment it must go to the voters for approval of 2/3 of the voters. What is wrong with letting the people have a say on the issue, having in mind the difficulty of getting a 2/3 vote for anything?

Sen. S. SMITH: My feeling on this basically is that this question is so complex that I think the issue may not always be clear to the voters as to what is really happening in. It sounds good to keep the cost of State Government down and I agree with this philosophy, but I don't agree with placing on the Legislature of this State further restrictions which would inhibit our ability to function.

Sen. NIXON: Senator you spoke of the difficulties of interpreting or applying such a provision if it were adopted. Do you have in mind that the language of this proposed amendment if adopted would read as follows . . . no biennium, two years that is, appropriation for any State Agency or Department shall exceed by more than 10% the appropriations for the immediate preceeding biennium unless this shall be approved by a 2/3 vote by both the House of Representatives and the Senate. Is that not pretty clear language having in mind that we are dealing with a constitutional amendment? Taking into consideration some of the ones that have been placed upon the voters in recent years.

Sen. S. SMITH: I don't think it is as clear as it could be. In an interpretation during a legislative function, I think it is sometimes difficult to determine what you are describing as an agency. Are you talking of a division within a department, are you talking of an independent agency? I think it is difficult also to determine as we are attempting to do in this session, at this time, bills that make supplemental appropriations would have to be adopted on a 2/3 basis because the appropriation has already been made and yet we are using those funds in this current biennium. I just feel very strongly that this would lead to a distortion of the budgetary process which is not a fair attempt to keep a balance of the fiscal policy within the state.

Sen. SANBORN: Sen. Smith raised a very interesting point. He stated that the problems of a bill coming through the House and the Senate that requires an appropriation, would this have to be included in the 10% or would this be in addition to?

Sen. NIXON: Well, first of all, Sen. Sanborn, if you owed me \$20,000 you would only have to pay me \$20,000 and you could keep the other \$5,000. Secondly, in answer to your question specifically and seriously, this bill would provide, if adopted, a total appropriation for any one agency or department for one biennial spending period. It would not be able to exceed by more than 10% what it had been for the previous spending period except with the necessary 2/3 vote, the differential would require the 2/3 vote over and above the increase of 10%. With regard to a bill coming through now to increase the appropriation by a particular agency that perhaps had been under funded in the previous biennium, if the appropriation now sought would result in the appropriation for that agency being more

than the 10% greater than it has been during the previous spending period, yes the 2/3 rule would apply. If the 10% limit would not be exceeded, even with a supplemental appropriation, only the majority vote would be required to adopt the supplemental appropriation. I don't have the disagreement that Sen. Smith suggested determining what is an agency or a department, they are pretty well recognized I think in State Government and, if not, they certainly could be for purposes of determining what amount is to be spent or appropriated for each of them in any spending period. I guess the answer, a short answer for a short question is, no.

Sen. SANBORN: Sen. Nixon, the other day in our debate on this same question, I understand that some agencies might want to set up a special program or something and exceed that 10%. Wouldn't this force that agency to put a bill in and this special project or special program then be debated on its own merits and not, as I understood it at the first of the session be trying to legislate by the budget alone?

Sen. NIXON: I had some difficulty understanding your question, of course I'm only a "country boy." As I understood the debate the other day in which I did not participate, I think it was in terms of setting up a new agency or a new department in which case I would not think the 10% limitation or 2/3 vote requirement would pertain. But, please have in mind in all of it, the purpose of this proposed amendment is not to place an absolute ceiling of 10% increase on the amount spent for any department or agency in any spending period. The purpose is to give those who vote the money, the senators and the house of representatives, an opportunity to know when the special requests for an additional amount of money comes along when we get hit, as I indicated previously, with a 147 page detailed, itemized, footnoted, if you will, appropriations bill it is impossible for the average fellow, and I will include myself if you will allow me to say it, to really understand where the big increases are, where the special appropriations are and so forth and they would call for, as I say the alarms would go off and the flags would go up and we would have a chance to attack that particular situation on its own merits.

Sen. BRADLEY: Sen. Nixon, if this amendment were adopted holding 10% limitations over a biennium, that is over

two years, I take it that would mean that increases greater than 5% a year would have to be voted by a 2/3 vote. Is that correct?

Sen. NIXON: I don't understand it that way. A biennium is now a two year appropriation period and we budget on a two year basis and will until we move into annual sessions. This bill is in terms of two years, not in terms of 5% the first year and 5% the second year. It is 10% for the two years of spending or appropriation period.

Sen. BRADLEY: Isn't that — I realize I shouldn't break it down that way — but isn't that, in effect, the amount of the increase which is going to be allowed under the majority vote under this bill, that is 5% a year?

Sen. NIXON: Well yes, or 6% one year and 4% the next or whatever.

Sen. BRADLEY: An average of 5% of the two.

Sen. BRADLEY: If we had inflation in a particular year of five percent or more, I take it that, under this bill, we would have to have a 2/3 vote in order to simply stay even with the previous spending money as adjusted for inflation. Is that correct?

Sen. NIXON: If I can accept it, and I will for purposes of answering your question, the supposition that if the answer is yes, and on the other hand may I say that I think you are getting into the realm of conjecture which is not really the probability when you talk about an increase in any department, any one department or agency, being affected by inflation alone, so as to call for more than a 10% increase in its appropriations request.

Sen. S. SMITH: Senator Nixon, I know that you are aware that in the last decade of this State, we have had a 20% population increase. Is this fairly close and accurate?

Sen. NIXON: That is what the federal government tells us. There are some cities that would disagree.

Sen. S. SMITH: Some say it is more than that, is that correct?

Sen. NIXON: Yes.

Sen. S. SMITH: In that instance, in a State where we have

a growing economy and a strong development, particularly in the northern part of the State in recreation and the southern part of the State with industry, doesn't this mean that more State services are being required in areas such as education, water pollution? Would this type of amendment be a restrictive measure in the budgetary process?

Sen. NIXON: My answer would be so based on the actual figures. The actual figures for the present biennium — with the previous one indicating a total increase somewhere in the vicinity of 12.3% according to Mr. Thomson. But in some cases some departments, like the Liquor Commission went up 24.2% where other departments, such as Agriculture, went down 14.7%. All I am saying is that this bill would say that those departments who seek an increase like the magnitude of the Liquor Commission obtained, would have to let us know about the specific reasons for it by 2/3 vote.

Sen. S. SMITH: When you discussed the percentages of agriculture and liquor, are you not talking about oranges and watermelons?

Sen. NIXON: Laughter prevailed.

Sen. JACOBSON: I rise in support of the pending motion and in opposition to the proposed CACR 5. Some weeks ago I had a very illuminating discussion with Judge Lampson of the New Hampshire supreme court. At that time he indicated to me that one of the problems that exist between courts and legislators is the proclivity of the legislature to enact legislation that further complicates the processes that are normal for any government to enjoy. This gave me an insight to one of the problems that we have, we would like to have a resolution. What this does, as Sen. Steven Smith indicated, it actually puts a clamp on future legislatures with respect to deliberative process as well as restrict various departments. Now we already have available to us the means whereby we can restrict the budget to 10% or 9% or 11% or 12% or whatever it may be. It lies within the power of ourselves to achieve that goal and, if the people elect the people to serve in the legislature to take up that responsibility, I think that this should be their responsibility and what we do then is lock in as our salaries have been locked in since 1889 to this particular process so that I think we need the kind of freedom that we presently have and to place an additional bur-

den on a future legislature does not seem to me to be a good form of legislation.

Sen. NIXON: Sen. Jacobson, I am reading a testimony by a distinguished senator, 10 June 1971. Isn't it true in terms of locking in, that a 10% increase in the budget for any department or agency would double in seven and one half years and would triple in 12 years and would quadruple in 15 years in any given date so that there would be in effect no real ceiling of what that agency will be able to spend over that type of a time span?

Sen. JACOBSON: Senator, that speech came from a senator that has now been enlightened.

Sen. TROWBRIDGE: I rise for the pending motion. I don't know who my favorite country boy is in this place, there seems to be so many of them, but certainly Dave Nixon is one of my favorites. In his disarming way, the good Senator can make a case for almost anything. I would like to point out that this is a good red flag issue and that maybe, like so many red flag issues, all we need is a red flag and not a constitutional amendment. What Sen. Nixon is saying, and I think he says it quite well and I agree with him, is that if rather large changes in the budget occur, someone should inform the Senate and the House as to what those changes are so they can intelligently vote on an increased budget. Just yesterday in Senate Finance, we heard a plea from the Senate, from the State police, and Col. Doyon made a very eloquent plea saying right now we do not cover all 24 hours any of our highways including our interstate highways. We would like to give 24 hour coverage to the interstate highway system in New Hampshire that he says will require 14 more troopers, to cover route 89 and 93. Now there is a request. Obviously it is for more than 10% of the budget. Now once the Senate is informed of why we might approve that particular request, that's all that you are really talking about. You don't have to go to a 2/3's rule, you don't have to go to something like the bond issue for schools, bond issues which I think within the next five years will be found to be unconstitutional federally, anyhow, why do we have to write into our constitution something that says we need a red flag. I am very happy and I propose to the Senate, and I talked with my Senate Finance Committee members, that we will supply red flags to them if they like, that we will supply something showing when the budget is going one

way or another, upwards or downwards, and therefore that kind of simple item does not need to go into the constitution. One other thing that Sen. Nixon said, which I think is important, he said there is no limit on spending in the state of New Hampshire. That isn't true. There is a limit. The limit is the amount of money of the revenue we have. We don't spend anymore that the revenues we have, unlike the Federal Government which can indeed, create money as it were. Unlike the Federal Government, we cannot create money nor do we, so that is another false issue. So all we need is an organized plan of informing the Senate and the House of what is going to happen in the budget, where are the increases and, if we do our job right. We do not need this constitutional amendment and I hope you will vote for the motion to indefinitely postpone.

Sen. LAMONTAGNE: Moved the previous question.

Adopted. Question on indefinite postponement.

Division vote: 16 Yeas, 6 Nays.

Adopted.

Sen. R. SMITH: I respectfully request a two week extension of the Senate deadline for adoption of Joint rules.

Mr. President, I have not been sitting in on the Joint Rules Committee but it is my understanding that they have been meeting, but the House has not agreed to go along with us on Joint Rules yet.

Sen. BLAISDELL: As I haven't been here for a few years I was wondering, when did you adopt them in the last session?

Sen. R. SMITH: Very late.

Adopted.

VACATES

Sen. CLAVEAU: I move that SB 56 be vacated from the Resources and Environmental Control Committee and be referred to Public Works and Transportation.

This bill is revising the Scenic Roads Act and I think it should be moved to Public Works and Transportation.

Adopted.

Sen. BRADLEY: I move that HB 220, that has been referred to Judiciary, be vacated from Judiciary and referred to Executive Departments and Municipal and County Governments.

It is my understanding that the Chairman of that Committee has no objection to it.

Adopted.

ANNOUNCEMENTS

Sen. NIXON: I have the pleasure of announcing that the dean of the Senate will be the guest of honor of the Green Berets in Fort Devens Massachusetts under the direction of Col. Little. He will have an escorted tour of Ft. Devens. In as much as that is where I entered the army, I hope his stay there will be better than mine was.

PERSONAL PRIVILEGE

Sen: LAMONTAGNE: Mr. President, members of the Senate, I hope that I make myself clear. The reason why I am appearing before you is to explain my position, I don't mean this to criticize the Governor.

The safety of life and at the same time log binding law that became law without the Governor's signature. I think the Governor has had people who are advising him wrong. For the benefit of the people who are traveling on the highway and see trucks loaded with either pulp or sawed lumber, that the purpose of this law enacted 16 years ago which was the $\frac{3}{8}$ chain law, for the purpose of securing the load to the body of a truck. Now since 16 years ago, there is now new material. This material has been proven to be even better than the $\frac{3}{8}$ chain. I am referring to the new law now on the books making nylon cables, and cables now can be used, and therefore as far as the safety and what has been added to the law that was enacted 16 years ago is a strength of 2,750 lbs. The cable that seems to be bothering some people, they feel it is going to stretch. Yes, if cable is used to unload the lumber, yes, it will stretch and is not safe. The purpose of the cable is not to unload lumber it is for the purpose of securing loads to the body of trucks. Therefore nylon cable has been added to the law and it is even better

than the $\frac{3}{8}$ chain enacted 16 years ago. This safety law is in the law today without the signature of the Governor.

Sen. DOWNING: Patrick Michael Burke, the son of Jackie Burke, Senate Stenographer for the Ways, Means and Administrative Affairs Committee, leaves for England Saturday where he will be received at Buckingham Palace to present a gift from New Hampshire to the Queen.

I'm sure Pat has the best wishes of the New Hampshire Senate in this unusual and privileged experience.

Sen. SPANOS: The next session of the Senate outside of Concord will be in Newport.

PERSONAL PRIVILEGE

Sen. LAMONTAGNE: Mr. President, members of the Senate, while I am in Nashua here, a Senator here, Senator Paquette, served for many, many years and I feel that I would certainly like to mention him here at this time. I also served with another Senator from this district and that was Senator Leonard, who did serve his people very well and now to you, ladies and gentlemen, let me say that we have a freshman Senator that you have sent to Concord and that is Senator McLaughlin, and I want you to know that your freshman is doing an excellent job.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn, we adjourn until next Tuesday at 1:15 in the Senate Chambers and with grateful thanks to the Nashua Chamber of Commerce; Maurice Arel, President, for the fine dinner; The Nashua League of Women Voters, under able leadership of Betty Rose; the Junior Women's Club, Mrs. Marsha Fenner; Hudson American Legion Color Guard, Nashua Police Department, Nashua Fire Department, the News Media, Nashua Telegraph for the exceptionally fine coverage, WOTW for their promotion efforts, the 1590 Broadcaster for their outstanding job, W.S.M.N. for the fine coverage of this meeting plus supplying the Public Address System and the Nashua School Department for the use of the facilities. We enjoyed your hospitality and hope to come again.

LATE SESSION

Third reading and final passage

HB 78, authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire Bank.

HB 160, increasing the lending limit of trust companies on real estate mortgages in New England.

SB 19, to further protect the citizens of New Hampshire from unfair and discriminatory practices.

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

HB 52, changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center.

SB 36, relative to the cutting of timber near public waters and highways and establishing an enforcing penalties relating thereto.

SB 41, relative to increasing the amount of homestead.

Adopted.

Senator Blaisdell moved the Senate adjourn at 10:00 p.m.

Tuesday, 20Feb73

The Senate met at 1:15 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God, be merciful to all of those whose duties are difficult or burdensome, and comfort them concerning their toil.

Give the spirit of governance and of a sound mind to all

in places of authority (and especially to us of this Senate) that we may work to do Thy will in thought and word and deed.

Give ear unto our prayer, O Merciful and Gracious Father.
Amen.

Pledge of Allegiance was led by Masters James Preston and Michael Blaisdell.

INTRODUCTION OF SENATE BILLS

SB 1, establishing an environmental protection department, providing for planning of the consolidation of the functions of existing agencies under it and making an appropriation therefor. (Porter of Dist. 12 — To Resources and Environmental Control.)

SB 62, to authorize any licensed physician to act as medical referee in certain circumstances. (Nixon of Dist. 9 — To Judiciary.)

SB 63, providing for arrest without warrant in miscellaneous cases where probable causes for such arrest exists. (Nixon of Dist. 9 — To Judiciary.)

SB 64, relative to child benefit services. (Smith of Dist. 3; Spanos of Dist. 8 — To Education.)

HOUSE ADOPTION OF ENROLLED BILLS AMENDMENT

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

ENROLLED BILLS AMENDMENT

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

Amend section 5 of the bill by striking out line thirteen and inserting in place thereof the following:

(veterans' home, and the deputy superintendent of Laconia state school.)

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 3, relative to the appropriation of funds for the use of the governor. Executive Departments.

HB 262, changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord. Public Works.

HB 146, relative to the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women. Education.

HB 204, establishing a fruit, wine and marketing advisory committee in New Hampshire. Ways and Means.

HB 233, relative to the amount of fees to be charged by the registers of deeds. Executive Departments.

HB 183, to provide right-of-way for highway purposes through New Hampshire Hospital land. Public Works.

HJR 6, designating United States Route No. 3 and interstate 89 as part of the Blue Star Memorial highway system. Public Works.

HB 9, to provide for the adoption of absentee voting at certain town, village, district and school district annual elections. Executive Departments.

HB 81, increasing the amount of political expenditures authorized for candidate in primary elections seeking the office of governor, U. S. senator, representative in Congress, governor's councilor, county officer, state senator or representative to the general court. Executive Departments.

HB 106, eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks. Executive Departments.

HB 170, relative to overtaking and passing upon the right of another vehicle. Judiciary.

ENROLLED BILLS REPORT

HB 52, changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center.

HB 78, authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire bank.

HB 160, increasing the lending limit of trust companies on real estate mortgages in New England.

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

CACR 10, Relating To: Removing The Deadline Date on Paying Legislative Mileage. Providing That: The First Day of July be Repealed.

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

Sen. Provost

For The Committee

COMMITTEE REPORTS

Sen. GREEN: Mr. President, Members of the Senate. The Journal Committee has made you aware of some of the problems that exist in producing a quality Senate Journal.

We have had the opportunity to discuss this situation with each Senator who wanted to make any recommendations or suggestions. The following recommendations are made at this time in the hope that the process of producing a quality Journal will be enhanced.

First, to solve the problem of time and undue pressure on the staff, we would like to have an Action Journal appear daily. A more complete Journal would be produced on a weekly basis.

Secondly, we strongly recommend that each Committee Chairman submit Committee Reports in typewritten form, also that matters of Personal Privilege or statements of a political nature should be in typewritten form.

Third, the question about what is relevant and important in terms of remarks should be given due consideration by each Senator. If at any time a Senator does not feel that his remarks have to be included in the Journal, we would encourage him to state so on the floor or inform a member of the staff.

Fourth, with concern for the economical question, I urge each Senator to just be aware of the increased costs of unnecessary verbiage. And finally, each Senator is encouraged to check their complete weekly Journal and submit any corrections to myself, the Committee Chairman, or a member of the Journal staff.

I move that this Committee Report be accepted as read.

Sen. DOWNING: Sen. Green, wouldn't you feel that the members of the Senate should have an opportunity to consider the recommendations you are making before acting on them?

Sen. GREEN: I would hope that any questions that would be relevant to the report would be answered at this time. If the body feels that it wants more time to consider this report, I have no objections.

Sen. DOWNING: Would you make this a Special Order of Business for another day, and in the meanwhile furnish the Senate with a copy of your recommendations so we can, in fact, study them?

Sen. GREEN: I have no objections to that.

Sen. DOWNING: I move that the question of adoption of the report of the Senate Journal be made a Special Order of Business for 1:01 for Wednesday.

PARLIAMENTARY INQUIRY

Sen. BRADLEY: Would the effect of voting on this report be to adopt the proposed rules? For example, if you vote in favor of this report, would we be establishing an Action Journal or do I misconstrue the nature of the report?

The CHAIR: All you would be doing is endorsing the recommendations of the Senate Journal Committee as voiced by its chairman and on the basis of which he would operate unless there was reason for a change and I assume in which case

he would come back to us with his further recommendations so we are not adopting a rule that would be in printing anywhere.

Sen. LAMONTAGNE: Mr. President, personally the remarks that have been made by the Senator, and I think it is only that he mentioned that if there are corrections that we read the Journals and if there is anything wrong, all we have to do is see him and/or a member of that Committee. That's the way I understood it and while I am on my feet I think that the committee has done a wonderful job until now and hope they continue what they are doing. I appreciate the way it has been going.

Motion adopted.

ANNOUNCEMENTS

Sen. TROWBRIDGE: I have put on each Senator's desk a report from the national Legislators Conference. The Legislative Conference has taken it upon itself to analyze President Nixon's budget proposals to see which programs have been put out as we have heard about and which ones are effecting State Government. I strongly urge each Senator to take a good hard look at this xerox copy because it will answer a great many of the questions that I am getting daily and for which I have been going to this document. It does show, for instance the OEO programs completely going out, zero funding in fiscal 74, not fiscal 75. I think it will be a great help to all of us if we look at this and then we will know what is going on. Secondly, we are preparing in Senate Finance, and should have for you in a couple of weeks, some rundown so you can be seeing how the Governor's budget proposal compares with 1972 and fiscal 73. So each Senator can see where we are starting from and what we spent last year and what was proposed by the Governor this year so that we can see whether they are going up or down and how things tie together. Periodically as we go forward we will bring you up to date and keep you fully informed of the status of each budget proposal as they get more concrete. For instance, even though there has been a budget message given, as we all heard, by the Governor, the entire budget proposal has not been printed so there is a hiatus here and we will have to wait.

Sen. FOLEY: I have the honor of announcing that Sen. Spanos has just been named citizen of the year in the Town of Newport.

The CHAIR: Announces the appointment of Sen. Porter to the Current Use Advisory Board, established pursuant to Chapter 56 sections 2, II, (b) subsection B under the laws of 1972. The chair would further announce that the Governor has indicated his willingness to support an appropriate constitutional amendment providing for a legislative pay raise and inquired this morning as to whether any bills of this nature were in the offing. If any of you have any such measures, I think it would be an appropriate time to get them drafted and introduced. I have in mind that one of the problems that a Senator or Legislator has is knowing who is responsible for the executive operation of many of the State Departments and Agencies. I have had a brief inquiry research done on the subject and there are approximately 26 major departments and agencies in State Government, all of whom of course at one time or another, appear before the House Appropriations or Senate Finance. Subject to your thoughts that I wish you would convey to me individually, I have in mind instituting a program whereby each of the department heads beginning with, let's say, General McSwiney as Adjutant General and going through them alphabetically, would perhaps appear here in the Senate chamber during a regular session for not longer than say 1½ hour to briefly describe the statutory requirements regarding his department or agency, his current projects and/or problems and to answer questions from the Senators. If you all think that this is worthwhile for the Senate as a whole and State government as a whole, I would like your thoughts on that.

February 14, 1973

Dear Senator Nixon:

Thank you so much for the Resolutions from the Senate and House of Representatives of New Hampshire in memory of my husband.

Please convey my deep appreciation to the members for their kind sentiments.

Sincerely,

Bess L. Truman

The Chair announces that we will go back to meeting at 1:00.

RECESS

OUT OF RECESS

Sen. BROWN: I would like to explain the intern program up to this point. There are 14 interns all told. Seven of them are assigned to the Senate. There are three universities involved, the University of New Hampshire, Keene State College and New England College. There will be four here, three full days per week and they will receive 8 credits and there will be three here one day a week and they will receive 4 credits. There has been three assigned already to committees. When this program was requested, the University was reluctant to send the interns down here for fear that there was not enough work to keep them busy and to earn their credits. It is most important that we do find and give them as much work as possible. Those that are not assigned to specific committees at this moment will be pooled upstairs with Mr. Eaton and if anyone does want one at any time, please request it through Mr. Eaton.

Sen. TROWBRIDGE: I would just like to know what the ground rules are with the interns. One of the things that would be interesting for me to have done by an intern, would you think it is proper if a senator said to an intern "would you please go and attend a House hearing on HB 262, find out what it is about and report to me? Is there anything wrong in using an intern in that way?

Sen. BROWN: This has not been discussed but I personally do not see any reason why we cannot do this. I think it would be very helpful and I think they should.

Sen. TROWBRIDGE: I would like to be able to say to an intern that he should go on the House floor and find out what is going on in the House, what the debate was. I would like to be able to send an intern over to a department to ask a question or to get some material. Rather than just doing research for projects, I would hope that this kind of report back could be used. Does this rise to what the University wants, as the job, is what I am asking?

Sen. BROWN: They did not state specifically but I think it would be very good training and I think they would be very happy to do it and they should do it.

Sen. FOLEY: I move that the rules of the senate be so far

suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow at 1:00 and in honor of National Engineers Week.

Adopted.

LATE SESSION
Third Reading and Final Passage

Senator Provost moved the Senate adjourn at 2:00 p.m.

Wednesday, 21Feb73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh God, the Father, hear our prayers as we gather today. Teach us to bear and share one another's burdens, as we try to help our fellowmen.

Keep a humbleness of heart and a humility of mind, that we may in a small way, help our brothers by setting a good example for them to follow. Then and only then will we be able to really enjoy the beauties of the earth and really serve others.

Humbly we ask Thy help! Amen.

Pledge of Allegiance was led by Mr. Mark Porter, Administrative Assistant to the Majority Leader.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 65, to require that all motor vehicles and trailers operating on the highways be equipped with tires meeting certain safety standards. (Lamontagne of Dist. 1 — To Public Works and Transportation.)

SB 66, to provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor. (Poulsen of Dist. 2 — To Resources and Environmental Control.)

SB 67, changing the compensation of certain state law enforcement employees. (Smith of Dist. 3 — To Judiciary.)

SB 68, requiring the attendance of the police officer involved in the arrest at hearings to set bail on felonies. (Nixon of Dist. 9 — To Judiciary.)

SJR 4, to reimburse Michael Savchick for efforts as project coordinator in the water pollution abatement of the Androscoggin River. (Lamontagne of Dist. 1 — To Banks, Insurance and Claims.)

CACR 23, Relating to: Increasing the Membership of the Senate, Changing Senate Quorum Requirements, and Providing for Apportionment. Providing That: The Membership of the Senate shall be Increased to Thirty-six, Changing Senate Quorum Requirements, and Providing for Apportionment. (Spanos of Dist. 8 — To Judiciary.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 157, providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins. To Recreation and Development.

HB 117, relative to the qualification of municipal planning board members. To Executive Departments.

HB 245, naming Ragged Mountain Highway. To Public Works and Transportation.

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated under the influence of drugs or recklessly. To Judiciary.

HB 260, limiting to two sets the number of legislative registration plates. To Public Works and Transportation.

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the state. To Executive Departments.

HB 232, relative to changing the type of notice required to one who has failed to reregister as an eligible voter. To Executive Departments.

COMMITTEE REPORTS

SB 12

adding a third verse to the New Hampshire State song. Inexpedient to legislate. Senator Jacobson for the Committee.

Sen. JACOBSON: SB 12 seeks to add a third verse to the song, Old New Hampshire by Dr. John F. Holmes. The committee voted the bill inexpedient because there seemed to be no real asthetic or artistic need for revision. Furthermore, the addition of a third verse to the present two seems to infringe, without consent, on the original poetry of Dr. Holmes. Precedents for so doing are lacking. The committee wishes to thank Mr. Butler for his poetic expression of affection for New Hampshire, and heartily endorses the notion that a New Hampshire publication publish his poem.

Sen. BRADLEY: I take it from your remarks you are somewhat knowledgeable in the field of music?

Sen. JACOBSON: The question is not a question of music.

Sen. BRADLEY: What I was attempting to lead up to is I know that I had other Senators feel very inadequate to pass judgment on this particular bill without the benefit of someone singing this particular verse, and I was wondering if perhaps we could impose upon you for that favor.

Sen. JACOBSON: Well we asked the sponsor, but he respectfully declined at the committee hearing, and I do likewise.

Sen. BLAISDELL: I rise in support of the committee report. I can't do it without first noting in the Journal that I was impressed with the sincerity of the man who presented this. His love for New Hampshire was certainly evident and I would like that to be part of the record, and besides I was going to ask you to sing it before, but you said no.

Adopted.

HB 44

to abolish the water commission in the town of Meredith and transfer its functions to the selectmen. Ought to pass. Senator Johnson for the Committee.

Sen. JACOBSON: Rep. French the sponsor of HB 44 testified. The present water commissioners of Meredith initiated this action. In 1959 the water precinct was abolished, the functions and equipment transferred to the board of selectmen. The three commissioners were retained on an advisory basis only. Now there is a vacancy and the two remaining commissioners recommended that the Water Commission should pass into history.

Adopted. Ordered to third reading.

HB 45

relative to secretary of state transferring reports of state agencies to state library. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: This bill was introduced by Rep. Benton from Rockingham and all it does is give the Secretary of State the right to transfer reports to the State Library. He called it a housekeeping bill and also a housecleaning bill and I move that the report be adopted.

Adopted. Ordered to third reading.

HB 65

establishing a fee for duplicate copies of photographic licenses. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill, presented by Rep. Hamel of Rockingham provides for the issuance of duplicate copies of a photographic operators license and was amended in the house. Originally it was \$5.00 and it was amended to read \$2.00. The purpose of this was that the cost of reproducing is said to be \$1.57 and it was felt that \$2.00 would be adequate. I urge the support of the committee report.

Adopted. Ordered to third reading.

HB 158

legalizing the vote authorizing the issuance of certain bonds by the Town of Hanover. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 158 seeks to cure a defect in the bond issue procedure for the construction of a fire station in Hanover last year. The selectmen had printed the notice for public hearing seven days prior, but failed to recognize that the first and last days do not count. Bond Counsel refuses to approve because of this technical error. HB 158 is therefore curative legislation whereby the subsequent actions of the town are ratified. In this connection the committee does approve this legislation but not without some trepidation based on the findings in the Calawa Case. The thrust of this decision is to say that the power of the legislature — to legalize the technical failures of municipal officials is limited. Said in another way, local officials must bear the responsibility for seeing that all procedures necessary for the ratification of town meeting proposals have unmistakably followed the legal requirements. To do otherwise, the Court is saying, is to infringe on another fundamental law, the individual right to be informed properly.

Sen. BRADLEY: Mr. President I rise in favor of the committee report, I know of no one in the town of Hanover who objected to the bill or who feels that they were deprived of effective notice in the matter. Conversely I believe all town officials of the Town of Hanover unanimously support the passage of this particular bill.

Adopted. Ordered to third reading.

HB 169

relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars. Ought to pass with amendment. Sen. Jacobson for the Committee.

AMENDMENT

Amend RSA 33:8-a as inserted by section 1 of the bill by striking out the title of same and inserting in place thereof the following:

33:8-a Procedure for Authorizing Bonds or Notes in Excess of One Hundred Thousand Dollars.

Amend RSA 33:8-a, I, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. There shall be at least one public hearing concerning any proposed municipal bond or note issue in excess of one hundred thousand dollars held before the governing board of any municipality. Said hearing shall be held at least fifteen days, but not more than thirty days prior to the meeting, or adjourned session thereof, at which the bond or note issue is to be voted upon. Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least seven days before it is held. Whenever possible the governing board shall determine the form of the warrant article after the public hearing.

Amend the bill by striking out section 3 of same and inserting in place thereof the following:

3 Effective Date. RSA 33:8-a, I and II as inserted by section 1 of the bill shall take effect March 7, 1973. RSA 33:8-a, III as inserted by section 1 of the bill and section 2 of the bill shall take effect upon its passage.

Sen. JACOBSON: HB 169 corrects an alleged defect in the statute relating to bond issue procedures. Bond counsel has interpreted RSA 33:8 a-b so as to include tax anticipation notes in the procedure, and this in spite of the fact that tax anticipation notes come under RSA 33: 7. What is more important is that bond counsel has the power of life and death over cities and towns in that he and he alone has the authority to approve bonds issued by banks for municipal bodies. HB 169 specifically exempts tax anticipation notes from bond issue procedures and returns their insurance to the intended authority, the governing board of the municipality. The amendment cleans up the language of section I by using the phrase "governing board" in the place of "governing body." Furthermore, at the suggestion of bond counsel the committee adopted the phrase, "wherever possible" in place of either "may" or "shall." Understandably there may be times when the governing board will not be able to determine the final form of the warrant article. Therefore, the amendment allows some degree of permissible action. The other part of the amendment relates to the effective date. It calls for the section on tax anticipation notes to be adopted on passage, so that there will be no problem on town meeting day, March 6. The other sections become effective on March 7. This was done so that the changed procedures provided for the bill

would not invalidate procedures already in progress under the present statute.

In addition, to the tax anticipation question, the bill calls for certain adjustments in proceedings. One is to allow a time elasticity so that town or school meetings may adjourn for a few days without having to begin the procedures all over again. The other part provides that the procedure may be begun for an adjourned meeting requiring an elongated time space, possibly of several months, without having to go to a special meeting and its accompanying harder procedures in money matters. The committee urges the adoption of HB 169 with amendment. May I add a personal note. This bill contains one of the amendments of sneaky pete bill HB 42 in the last special session.

Sen. TROWBRIDGE: Senator, you and I had a problem with these procedures, I had the basic problem of keeping up with you, am I to take it that section II of the bill, no excuse me, relative to section I of the bill, changes the procedure of how long the polls shall be open and who can vote and when, in that it is voting only after the discussions?

Sen. JACOBSON: That is right. That is no different than what the statute is now. The only change is that there was a duplication in the language from the first paragraph, which is in regards to the hearing, and second paragraph of the present statute with regards to the procedure and so there was a confusing duplication and it eliminates that duplication and also reduces the time span from two hours to one hour minimum.

Sen. BRADLEY: Sen. Jacobson, I believe you said that as the law is now written in this bill it would allow a town meeting or school meeting to be adjourned to a certain time or place without going through a further hearing procedures? Is that correct?

Sen. JACOBSON: That is, I don't recall that it was in here, the original bill but in the bill that came from the house which amended the Roman numeral I under 33:8A, it provided for an adjourned meeting procedure and if you look at the page 38 of the Tuesday, Feb. the 28th, I don't know if it is today's, no I couldn't find it, if you look at Tuesday Feb. 28th you will see that it does provide for the adjourned session.

Sen. BRADLEY: Doesn't that indicate in the second sen-

tence, Section I of the amendment that you have to hold the hearing prior to the adjourned session?

Sen. JACOBSON: That is right.

Sen. BRADLEY: So it would not be possible under the bill that is now proposed to have the hearing before the regular session, then vote to adjourn the session for a day or two without having a new hearing.

Sen. JACOBSON: No, your interpretation is wrong. The said hearings shall be held at least 15 days, but not more than 30 days, prior to the meeting or adjourned session thereof.

Sen. BRADLEY: I take it then you are saying that as long as the adjourned session is not more than 30 days, the hearing that was held for the original meeting, that there is no need for a second hearing. Do I make my question clear?

Sen. JACOBSON: Exactly correct.

Sen. BRADLEY: However, if you wanted to adjourn the town meeting for, let's say 45 days, you would have to go to a new hearing procedure for that adjourned session?

Sen. JACOBSON: That is right, and that was on the insistence of bond counsel because they argued that the time lapse factor was of such a nature that people might forget about what they are voting on.

Sen. BRADLEY: Then it is clear that either on the basis of the original hearing or on the basis of a new hearing which is held after the regular town meeting, that adjournment sessions are permitted under this amendment.

Sen. JACOBSON: Adjourned sessions are permitted under this statute so that you would have to go to the procedure whereby ultimately you would have to go to the Superior Court on a money matter, and I might say that incidently this paragraph has the approval of the bond counsel, and they have looked it over and it is exactly as they want it.

Sen. BRADLEY: Under Roman Numeral II, of the section I, of the bill, first sentence seems to require that action under the bond article must be taken up prior to other business, except for election of officers and zoning matters. It is my understanding that under the law in existence for the last year or so, that

bond counsel would permit the meeting itself to vote to take up a bond article later in the meeting, even though the law requires a bond article to be number two. My question is, are we now going to prohibit a town meeting from the flexibility of voting, itself, when it will take up action under a bond article?

Sen. JACOBSON: Well Senator, that's no different than postponing it to an adjourned session of the town meeting which the council has approved. That simply is another procedural question which is a suspension of the rules of that particular Town meeting, and so if the people desire to suspend the rules to take up the issue or postpone the issue at a later date that is still possible, and that part of the law has not been changed.

Sen. SPANOS: Many of the towns of this state have been proceeding per the statute relative to tax anticipation notes, have held their hearing, and have posted the article on the Town Warrant as Article II. Must the Town vote on the borrowing in anticipation of taxes as per the statute which calls for voting for at least two hours after discussion or can it not proceed to adopt the "tax anticipation" article by a majority, and from the floor?

Sen. JACOBSON: If this bill passes the Senate today, and it is approved by the Governor, the tax anticipation notes question will be removed from the bond issue procedure forever, I hope, and therefore we can return to what has always been the practice that tax anticipation notes is an executive authority granted by the town meeting by majority vote.

Sen. TROWBRIDGE: I was interested in your remark about a court case, which I can't remember the name of, in which the court said the curative powers of the legislative is limited, in other words in curing defects in bonds or procedures, was there not at some time a move afoot to allow the county conventions to take up these situations of legalizing these things? Wasn't there some bill or legislation that was going to be enacted to remove from the legislature and the general court, the necessity of going through it, supervising this type of procedure?

Sen. TROWBRIDGE: I do not know of that legislation. At the present time towns derive their power from the legislature and so do countys and there might be the possibility of the

legislature granting to counties, legalizing power. What the question that was raised in Calawa case is, are you in fact by having this legalizing power, infringing on questions of individual rights with respect to due process on the questions of property.

Sen. TROWBRIDGE: Then I take it if that is the law of N. H., that any movement to go to delegate this power would certainly be in the wrong direction. Delegating it at County Conventions would hardly be the thrust that the laws would go with if you are saying you can't, even as a full body, legalize these things you certainly can't do it by delegating it to one tenth of the body.

Sen. JACOBSON: In response to your question the Calawa case just came this past year in the summer of 72, and it gives considerable food for thought for all legalizing procedures, even those in the legislature, and therefore that to say to delegate this authority is one step away from the original authority would be one that we would have to take a very hard look at.

RECESS

OUT OF RECESS

Amendment adopted. Ordered to third reading.

HB 185

relative to the charter of the Town of Hanover. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 185 relates only to the town of Hanover and its charter and provides for amending the powers granted to the selectmen of the town upon adoption by majority vote through referendum at a town meeting. The bill specifically provides for two provisions: granting the selectmen power to appoint a town manager; and giving the selectmen authority to borrow in anticipation of taxes as provided in RSA 33:7. The first provision is simple, direct, and obvious. The second one becomes necessary because of the hybrid form of government whereby the selectmen under the charter act more like city aldermen and therefore, this referendum asks for the powers of RSA 33:7 to be vested in the selectmen.

Sen. BRADLEY: I rise in favor of this bill. Again I know of no opposition in the Town of Hanover and I know that the

town officials are most anxious to have this bill passed so it may be acted upon at the upcoming town meeting. As Sen. Jacobson mentioned, this bill is necessary and makes sense in light of the Hanover charge which makes the Town of Hanover a sort of a hybrid, halfway between a town and a city, where its board of selectmen of five rather than the usual three have many of the powers of a city council. However we do retain a town meeting form of government for the purpose of setting the budget and other matters. The town of Hanover hired a town manager some years ago under the statutes which provides for that and all the first part of this bill is doing is recognizing the existing facts and the second part of giving the power of tax anticipation borrowing to the selectmen is consistent to the other powers the selectmen are now exercising. It is, of course one, of the powers that would be exercised by a city council.

Adopted. Ordered to third reading.

HB 35

relative to the distribution of court reports to various officers and bodies. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: HB 35 was introduced by Rep. French of Belknap at the request of the Secretary of State. Under present law the secretary of state is obligated to distribute these Court reports from the Supreme Court to various libraries around the nation and the state and this is merely a housekeeping bill to provide that these reports would be distributed by the Recorder himself who happens to be the Clerk of the Supreme Court. As you know the reports themselves are only of decisions of the Supreme Court of the State of New Hampshire and it does not include any Superior Court reports because there are no such things. Basically it will provide that the Clerk of the Supreme Court would do the distribution.

Adopted. Ordered to third reading.

SB 16

prohibiting a split deer hunting season. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. Lamontagne moved that the words ought to pass be substituted for the words inexpedient to legislate.

Sen. LAMONTAGNE: The reason why I have introduced SB 16 is because the director of fish and game in the last hunting

season had created a split hunting season in the State of N. H. The reason why the split season was because of the additional snow, more than there was in the north country, and therefore the emergency was declared because of the amount of snow. Well before the time that had been created as a split season by closing the southern part of the state, we had some rain and therefore the snow disappeared but still in the southern part of the state was still closed and therefore forced all the hunters not only from the southern part of the state but also the non-residents to come up north and therefore created no shortage of hunters because there have been in some places where he counted as many as 40 cars in one area. I have had many complaints from Whitefield and the Jefferson area even some of the land that had been posted no hunting and therefore there were Massachusetts people still went on these people's land and forced themselves there when the land was well posted. This was all done because of the large crowds of hunters that came up north and crowded the woods up north. Although we were very fortunate up north that we did receive a storm because if it wasn't for the storm there's no question about it that with the amount of hunters that were crowded up north that our deer herd would have taken a beating. Now I have in my support that I received after the hearing petitions from the north country and every one of the people here are in opposition to a split season. Now the general court is one season not two and therefore my bill is only asking that the director of fish and game or the commission will not create a split season in New Hampshire. That's the only thing that the bill is asking for. Now if there is an emergency up north then the whole state should be closed down and this is what these partitioners are asking for. I hope you will vote for the motion of ought to pass.

Sen. Blaisdell moved the bill be indefinitely postponed.

Sen. BLAISDELL: SB 16 prohibiting a split deer season, this bill allows the Director of Fish and Game to close only the entire state to the hunting of deer when he deems such action necessary to prevent and conserve the deer herd. Instead of being able to close just certain portions which is now under the existing law. It was the unanimous opinion of our committee to leave the authority with the fish and game commission and the staff. I might add Senator Lamontagne, that I would have appreciated the petitions that you have in your possession to

bring to my committee before this report came up, but since you didn't wish to give them to us, that certainly is your business sir. Again I say that it was our unanimous opinion to leave this authority with the Fish and Game Department I too, am in the sporting goods business in the city of Keene, my business was hurt, by having them close the southern part of the state. I have too many rifles left in my stock, etc. but if I had a selfish reason probably I would have voted for this bill, but I believe that this is poor legislation and I do not believe that we should legislate it.

Sen. BROWN: I rise in support of Senator Blaisdell's motion. I also believe that this authority should be up to the Director of the Fish and Game. It is a known fact that the thing most detrimental to the deer is deep snow. There are other emergencies or things that arise that would hurt the deer, but nothing that hurts deer more than deep snow. They can't move around and they can't get food. Where the fish and game department continually watches the herd and keeps an eye on them, they are in a better position to evaluate the situation, so therefore I don't think this authority should be taken away from them.

Sen. POULSEN: Mr. President, I rise in opposition to this motion to indefinitely postpone this, this has been tried in New Hampshire, this split season, some years ago and it didn't work well at all. People who lived near where the line of demarkation was were in no man's land, with hunters on both side. I think New Hampshire is a small enough state so that the commissioner could either shut it down or leave it open. I don't think there is any point in geographically cutting the state up to protect the herd for one day and not there. I think it should be either one or the other. I am entirely in support of Senator Lamontagne's bill.

Sen. S. SMITH: I rise in opposition to the pending motion and in favor of Sen. Lamontagne motion and his bill. If I recall correctly this November when the season was split and part of the state was closed there was about as much snow to the north as there was to the south. If I also recall correctly, this has been done for the last two or three seasons, we have had in effect a split season for a portion of the deer season. Back in 1963, at the requests of many of my constituents I sponsored a bill to establish a single deer season in the state. The central part of

the line of the state has generally gone. It's a no man's land and I think that the reason why the bill passed was in the preceding fall and the fall of 1962 as an example in the town of Bethlehem a boy who was delivering newspapers was shot off his bicycle. The concentration on the line seemed to be a matter of record. I think it is a dangerous precedent, I think that from the establishment of the line over the past few years has been a going back to the preceding concept. I think it is one that attempts to skirt the legislative intent and for that reason I rise in support of the bill.

Sen. SANBORN: I rise in opposition to the present motion and in support of Sen. Lamontagne's bill. Through the late 40's and 50's all the sporting clubs in the State of New Hampshire got together and met here in Concord once a month. As a member of this sporting club I was on that executive committee, and we worked and worked incessantly to have a bill passed, that would end for all times, the dividing of New Hampshire into two separate deer seasons. And when it was passed we all heard a great sigh of relief and now the Director on his own prerogative splits the state once more. I think this is, as Sen. Smith has already mentioned, not the intent of the legislature when they said one open season. I support Sen. Lamontagne's bill.

Sen. Downing moved that the bill be recommitted to the committee on Recreation and Development.

Sen. DOWNING: Mr. President, the reason why I make that motion is that obviously here in the discussion there has been some evidence that was not submitted to the committee, the committee has not had the advantage of considering it and the recommendation I think is only fair that this be offered to the committee for its consideration and to come back with recommendations.

Sen. LAMONTAGNE: I would favor this motion because this material and information that I received. I got it four days after the hearing and therefore I feel that the committee should have it.

Sen. BLAISDELL: You said you received it 4 days after the hearing.

Sen. LAMONTAGNE: Yes, I received it 4 days after the hearing.

Sen. BLAISDELL: How long has that been Senator?

Sen. LAMONTAGNE: About two weeks.

Sen. BOSSIE: I would like to speak on this. Having come from the north country, Sen. Poulsen's area and I know a lot about hunting, although I don't hunt myself, it is a favorite sport in the north country, in fact it is a prime tourist attraction. During the months of the hunting season many of the local restaurateurs and town people count on hunters. I would like to know, in view of the fact that the bill today is on protecting of the herds, whether or not the sponsors of the bill have considered that if all the State has to be closed down, would this be doing justice to the people because it will be hurting their industry which is tourists.

Sen. LAMONTAGNE: I rise in opposition to the pending motion for indefinite postponement. Personally I feel that this bill here, the only thing it says is the Director will not create a split season. It does not take any of his authority away from him to close the whole state for any emergency. It doesn't take that power away from him whatsoever. The only thing is that if there is an emergency in the southern part of the state that the whole state must be closed. On the day that the southern part of the state was closed, if it had been a good day, we up north would have had more hunters than what we had. Even so still we had many many hunters who created and bunched up into different areas in the north country. Now there is no question that in the southern part of the state there is such a thing as gang hunters and these gang hunters have been destroying the herds in the southern part of the state and with the additional snow that they had there is no question about it that the damages of the herd would have been created. But, there was rain and therefore took the snow away, so why wasn't the emergency stopped when the emergency was no more there because the snow was gone. In fact there was less snow in the southern part of the state than we had up north. These gang hunters crowded the lines, crowded into Whitefield and went on to property that they were not supposed to be on. This bill does not take any authority away from the Director of Fish and Game the only thing it says is that they have no right to create a split season. A split season has been defeated by the general court. If the general court wanted the Director to have a split season it would have been done by law, but the law says one season. In

this bill I am asking for the enforcement of one season. Therefore if the Director feels an emergency, let him close the whole state and not part. The reason why this was done is because there are many non-resident licenses sold and there is no question about it that it would have been very embarrassing for the fish and game director for these out-of-staters who had purchased their licenses to hunt in New Hampshire. When these people, and I want them to come here because it is very helpful to our tourist business, but if it is going to destroy the herd of our deer than I think that the protection of our deer comes first. That's the most important thing, to save the herds so people can come back, but if you destroy your deer herds, than I guarantee you that the tourists are not going to come and they are not going to buy their license in New Hampshire.

Sen. BLAISDELL: What effect would it have on the Fish and Game Department in the State of New Hampshire if we do close the whole state.

Sen. LAMONTAGNE: I personally feel that if the whole state of New Hampshire were closed on deer herd it would be for the benefit not only to the New Hampshire people but also to the non-resident.

Sen. BLAISDELL: Do you realize sir that 67% of the monies collected by the State fish and game department are from out-of-state residents?

Sen. LAMONTAGNE: I am aware of that, if you don't have any herd you are not going to sell any licenses the following year.

Sen. BLAISDELL: If we did close the seasons in the State all over do you agree that we might close the doors on the fish and game.

Sen. LAMONTAGNE: There is ice fishing, and other sports, rabbits, partridge.

Sen. BLAISDELL: Do you know the figures on the hunting licenses in the State of New Hampshire on out-of-state residents how much it brings into the coffers of the State Treasury?

Sen. LAMONTAGNE: Senator, I will not disagree with you on that. I won't. But one thing I will say that if you don't protect your herd that not only the southern part of the state

is going to lose their deer herd, but also the northern part of New Hampshire because your crowding our woods up north.

Division Vote: 9 Yeas, 12 Nays.

Motion lost.

Sen. LAMONTAGNE: Called for roll call vote.

Voting in the affirmative were Sens. Lamontagne, Poulsen, S. Smith, Jacobson, McLaughlin, Claveau, R. Smith, Sanborn, Downing.

Voting in the negative were Sens. Gardner, Bradley, Green, Spanos, Blaisdell, Trowbridge, Provost, Brown, Bossie, Johnson, Preston, Foley.

9 Yeas, 12 Nays.

Motion lost.

Sen. Downing moved that SB 16 be made a Special Order of Business for Tuesday next at 1:01 p.m.

Sen. DOWNING: Mr. President, the reason why I make this motion is the motion was on indefinitely postponing and this means that further action on this subject matter will not be recommitted during this session. There is obviously evidence that should have been introduced to the committee, it was not introduced to the committee, I can't help but feel that it may not change their decision the possibility is there that it would have some effect on their thinking. I think the committee is owed an apology by the sponsor for not providing this information sooner and rather bring it out on the floor of the Senate as a surprise today. I don't know, I don't pass judgment on these things, however there is merit to the committee having time to consider it and hopefully between now and the time that it is made a special order of business the committee can evaluate it and whether the recommendation will change is immaterial to me at this point. It is that I feel valid evidence should be considered whenever it can be considered.

Adopted.

HB 46

relative to the mode of hunting deer in the town of Chester.
Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: HB 46 was sponsored by Rep. Benton from Chester and this bill allows the shooting of deer in the town of Chester and it will eliminate the shooting of deer with buckshot and allow them only to be shot with a ball shotgun shell. Apparently buckshot just wounds a deer and does not kill them outright. Apparently the gunners have not followed the deer until they have fallen and apparently the town people have found a lot of injured deer and dead deer that were not picked up by the gunner. At last year's town meeting it was put on the town warrant to petition Rep. Benton to submit this bill.

Sen. TROWBRIDGE: Am I to understand that you can make special bills for each town as to what kind of shot will be used in each town.

Sen. BROWN: As far as I know the legislature can. As I say this I was asked by the town people to do this and the vast majority of people in Chester are in favor of it and the fish and game department also testified in favor of this bill.

Sen. TROWBRIDGE: Do you know how many towns in the State of New Hampshire have their own specific hunting ordinance?

Sen. BROWN: No, I do not. I know there is a law where rifles can and can not be used and shotguns can and cannot be used. I do not know the specific towns.

Sen. JACOBSON: With respect to this bill, who will be responsible for its enforcement. The Fish and Game officials or the local officials?

Sen. BROWN: The Fish and Game department within their law book. They will write the town of Chester in as one prohibited to use buckshot.

Sen. JACOBSON: Than I am to presume that this will be incorporated into the Fish and Game rules?

Sen. BROWN: Yes.

Sen. JACOBSON: Does there not exist the possibility of the same problem that we had with lobster fisherman in New Hampshire between the town lines of Chester and the adjoining towns for the hunters.

Sen. BROWN: As I understand it in relation to the lobster

you speak of the discrepancy is where the bounds are between New Hampshire and Maine and I don't think there is any question of where the boundaries are between the towns.

Sen. JACOBSON: Do you believe all our friendly neighbors from Massachusetts are aware of bounds of Chester?

Sen. BROWN: I think it might be a little difficult in the woods, Senator.

Sen. SANBORN: Didn't Chester used to become what was called one of the rifle towns of Rockingham county?

Sen. BROWN: Not to my knowledge, no. Chester was always south of that border as I recall.

Sen. SANBORN: I disagree because the line goes down and includes the town of Epping and I think that Fremont was the last one to be changed. Wasn't Fremont the last one to go from rifle country to shotgun country and now isn't Chester asking for it with the increase in population as much as anything?

Sen. BROWN: I know for a fact that at the present time you cannot shoot with rifles in Chester. It was changed about nine years ago.

Sen. LAMONTAGNE: Assuming that someone violated the law unknowingly. What is the penalty for violating this law?

Sen. BROWN: I cannot tell you. We didn't investigate that.

Sen. LAMONTAGNE: Is that included in the bill?

Sen. BROWN: No, there is nothing about fines as far as I know.

Sen. LAMONTAGNE: I am not opposing the bill but I certainly feel that before we vote on this we should at least know what the penalty would be, if there is going to be some innocent people going into that area, not knowing where the line is, then I think we ought to know what the fine is going to be. If a special order could be made so the Senator could get this information I would certainly like to know about it before I vote on it.

Sen. Lamontagne moved that HB 46 be made a Special Order of Business for Tuesday next at 1:02 p.m.

Sen. LAMONTAGNE: I personally feel that I would like to look into this matter because if this can be legislated that right down here under the present statute 208-21 on penalties that the fine is not more than \$100.00, I personally feel that a lot of innocent people are going to be fined and I am just wondering if this section of the law shouldn't be amended. This is one reason why I am asking for a special order of business for 1:02.

Sen. BLAISDELL: How could they be innocent Senator, if they are caught breaking the law?

Sen. LAMONTAGNE: Because there are many people in the woods who do not know any difference or where the town lines are.

Sen. BLAISDELL: If it is printed in the book Senator, wouldn't that be enough warning or notice that they would be breaking the law?

Sen. LAMONTAGNE: There is no question about it that they would be breaking the law, but the reason why I am saying that these people would not want to violate the law and I would consider them as innocent people is because that when you are in the woods, it is pretty hard to really know where the line is.

Adopted.

HB 105

relative to setting traps for the taking of fur-bearing animals. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: HB 105 does two things. It opens the Exeter river and the Lamprey River to the trapping of fur bearing animals. It also allows trapping to be done through the ice without hauling a boat behind them. Right now the law reads that you only set traps from a boat. So what they are doing now is walking out on the ice dragging their boat behind them. This would eliminate just that.

Sen. SPANOS: I move that HB 105 be made a Special Order of Business for tomorrow evening at 7:01.

Adopted.

HB 113

relative to taking fresh water smelt by bait dealers. Inexpedient to legislate. Sen. Brown for the Committee.

Sen. BROWN: This bill was to prevent bait dealers from taking smelt from the lakes and tributaries of our state. The fish and game department claims that the number of smelt was diminishing and that the main food for trout were smelt and they felt that this should be stopped. It was testified, and the fish and game did later agree to it, that the diminishing of smelt was not actually taking place and it was stated particularly in Winnepesaukee tributaries and it has not hurt the supply of smelt so the committee felt that this would be inexpedient to legislate.

Adopted.

HB 125

relative to propagating or possessing for sale wild turkeys. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: HB 125 was introduced by Rep. Terrill, an act relative to propagating or possessing for sale wild turkeys. This bill provides that no person shall propagate or possess wild turkeys for the purposes of sale or exchange without first obtaining a special license from the director of fish and game. The fish and game department was in favor of it and it gives the director of fish and game the authority to issue these permits. We felt that even though the wild turkey has not been a huge success in this state we felt we would give them one more chance to make it a success.

Adopted. Ordered to third reading.

HB 90

relative to removing the limit on horned pout. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill is sponsored by Rep. Gordon of Merrimack. It says that there will be no further limit on horned pout that the supply is plentiful and that there is no need for regulation and this bill was supported by fish and game and thankfully the horned pout are most plentiful and there is no problem at this time. I urge the committee report be adopted.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:01

Journal Recommendations.

Sen. GREEN: You have all had an opportunity by now, I hope, to have taken a look at the report. I would like to make a couple of things clear on the report in reference to some questions that were asked. Number 1, this report in no way attempts to bind the Senate to any rules. It does however, discourage and recommend some procedure that will help in the production of a quality Journal which I feel this body is deserving of. There is another area in terms of remarks of the Senators and his ability and right to have the remarks removed in the Journal. Those are meant as general remarks and in no way infers that a Senator have his answers to questions removed, that is not what we are referring to. What we are referring to are in terms of statements, personal privilege and so forth. If he doesn't want to have his remarks in the Journal than we certainly are not going to hold him to doing so. It does make for a different arrangement in the way you will receive your Journals. You will only receive an action Journal on a daily basis, there will be a full complete Journal at the end of each week that you will receive on the following Tuesday. Are there any questions? I would like to see the report accepted.

Sen. LAMONTAGNE: I rise in support of the committee report. The Journal Committee has been doing an excellent job and they ought to be complimented. I move that this report be accepted.

Adopted.

PERSONAL PRIVILEGE

Sen. LAMONTAGNE: Mr. President and members of the Senate, last Friday, as you all know, I was invited to Fort Devens to be a guest of the officers and men who are serving in the United States Army Special Forces known as the Green Berets.

This day in my honor and chosen as the Dean of the Senate and also being a good friend of the Commander Sgt. Major Jack Williams of the 10th Special Forces Group Airborne.

While we were making our tour visiting the training course some of the boys were receiving schooling on First Aid, it had me in shock for a few minutes. They took a pair of scissors and opened up the trousers of this soldier and blood just flew out of his trousers that were cut. At first it seemed real to

me, but then I learned that this was only a training and just a simulation of the real thing. It was quite an experience to watch the performance.

At the same time we had a group of men, Sgt. Cooper, Sgt. Major Williams and especially Lt. Col. McKenzie who really put out the red carpet for me. At this time communication came over while I was going through the tour of communications "A special message of welcome at the base," for me.

It was also taken to Brigadier General U. S. Army, Dewitt Clinton Armstrong III. It was interesting to hear the comments made by the General of General McSwiney. He was praised by General Armstrong for his fine work he was doing in the National Guard. General Armstrong had many comments about New Hampshire people on how well they were treated during their maneuvers in the northern part of New Hampshire and also had many praises for the Recreation Department for allowing them to use their skiing facilities.

Now in closing, I want each and everyone of you to know that my visit to Fort Devens was indeed another day of my life I will always remember. The reason I say another day is because in 1961 when I was a guest of the German government, at their expense, last Friday was just like re-living the good will of any people.

And these are the presentations made to me by Lt. Col. McKenzie and his men at Fort Devens.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time, that bills be read by title only and that when we adjourn we adjourn until 7:00 p.m. tomorrow in Newport and in honor of Sen. Lamontagne who so well upheld the Senate in Fort Devens.

LATE SESSION

Third reading and final passage

HB 44, to abolish the water commission in the town of Meredith and transfer its functions to the selectmen.

HB 45, relative to secretary of state transferring reports of state agencies to state library.

HB 65, establishing a fee for duplicate copies of photographic licenses.

HB 158, legalizing the vote authorizing the issuance of certain bonds by the town of Hanover.

HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

HB 185, relative to the charter of the town of Hanover.

HB 35, relative to the distribution of court reports to various officers and bodies.

HB 125, relative to propagating or possessing for sale wild turkeys.

HB 90, relative to removing the limit on horned pout.

Adopted.

Sen. Brown moved the Senate adjourn at 3:00 p.m.

Thursday, 22Feb73

The Senate met at 7:00 p.m. in Newport, New Hampshire.

A quorum was present.

Introduction of Selectman Anthony Maiola by Senate President David Nixon.

Mayor Maiola: It is a pleasure and an honor to have the New Hampshire Senate here in Newport, so we may see democracy at work. At this time I would like to have Sen. Spanos come forward. I want you to know how proud the citizens of Newport are of you. I would also like to congratulate you for receiving the outstanding citizen award this week. I know how much you have done for the Town of Newport. Thank you and good luck.

Sen. NIXON: We are very proud to have Vice President Spanos as a member of the Senate body. We will now proceed into a regular Senate session. The purpose of these meetings is

to give people, throughout the State, an opportunity to see how government works. At this time I would like to ask the Brewster-Gould-Lee Post No. 25 for the posting of the Colors.

POSTING OF COLORS

Brewster-Gould-Lee Post No. 25, American Legion and V.F.W. Newport Memorial Post No. 2437.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Thank you God, for these people I work with in this State. For their greetings and comradeship, have them really open up their ears to the words You put on my lips, so we may become a family unit. Having our squabbles, small feuds and rejoicing, and in the overall being held together in a true family allegiance. Let us recognize the affection between us, that only people who work together can understand.

This prayer is also for the Father of our great country — George Washington (whose commemoration date has been a little confused!) Recognize dear friends, the alliance of our *National Family* that has always kept this memory fresh in our minds and observe our presence here today is because of his great efforts.

May the Spirit of freedom he brought forth, in the Declaration of Independence always prevail.

As we part tonight and go our separate ways, Bless us and keep us.

Amen.

Pledge of Allegiance was led by Sen. Harry V. Spanos.

Sen. NIXON: We are fortunate to have the State Legislative Historian with us tonight, and he has prepared a history of the State Senate, copies of which are being handed out. His name is Leon Anderson and he will now give you a brief history of the New Hampshire State Senate.

LEON ANDERSON: I am just a little old fashioned newspaper man from Concord but I enjoy doing it. Newport can well be proud tonight, I have just been told that there are 257 people here tonight.

Newport can be proud of this evening's visit by the New Hampshire State Senate. We are sure it will become one of this town's many historic milestones in years to come.

This Thursday evening Senate session is official in every sense of the word. What you good citizens see and hear are a part of the 1973 Senate's work and it all will be recorded in the official Senate Journal as part of our state's history.

This first session of a legislative body to be held in Newport is, in part, to honor your Senator, Harry Spanos. He's quite a gent, for when a Democrat keeps getting elected to the State Senate from a traditionally Republican district, it shows plainly that the voters not only like the way he operates, but have faith in his judgment and integrity.

Senator Spanos is now in his fourth term as a Senator and that in itself is an all-time record for this district for any man. Spanos is only the third Democrat to serve in the Senate from this district in this century. Back in 1935 Democrat John J. Condon, the grocer whom we knew well, he was so nice he wouldn't even say a bad thing about a Republican, was Senator. And so was Democrat Samuel H. Edes, the venerable town leader, in 1913.

Newport has had but one Senate President in the 190 years history of this body. He was Jesse Barton, in 1917.

Finally, Newport's Senator Spanos is the first man ever to hold the esteemed position of Vice President of the State Senate. This office was created for a first time by this 1973 session. So he ranks next to Senate President David Nixon. This is quite an honor. This historic development came to pass because for a first time in the Senate's history of 190 years, the Republican majority became snagged in an eight-to-eight deadlock, so a majority of the 10 Democratic members put President Nixon in office, and Spanos, the Democratic minority leader, got the new title and prestigious rank for it along with 5 committee chairmanships for his associates.

The Senate has 24 members, they used to have 12 way back, and they are kept busier than beavers during their six months of work at Concord every two years. The 24 must fill some four score assignments on 14 permanent committees, each ranging from five to eight members in size. And this gives an

idea of how multiple their duties are, and how much time they must devote to Senatorial chores for the \$200 each are paid.

The Senate is the upper branch of the Legislature. The House, under our constitution, must send business "up" to the Senate, and the top body in turn officially sends business and messages "down" to the House of Representatives. The Senate was set up originally to watch over the House.

This is a first time ever that the New Hampshire Senate has met without the House also being present, in any city or town. This evening's session is one of a dozen Thursday meetings being planned for various parts of the state. Purpose of this is to bring the Senate closer to the people it represents, and give citizens a first-hand opportunity to see how their laws are made, changed, or repealed.

The Senate goes to Portsmouth next Thursday and then up to Plymouth the following Thursday.

A first thumbnail history of this Senate has been prepared, for distribution at these historic overnight Senate sessions. Citizens may obtain additional copies from their respective Senators, and teachers can also obtain them for their classes, by contacting their Senator. This pamphlet contains much information about our Senate which it is needless for me to repeat in this brief report, as legislative historian.

Introduction of Senators by Sen. David Nixon.

Sen. NIXON: I think it is appropriate to introduce those representatives here with us tonight: Mr. and Mrs. James Saggiotes, Jesse W. Scott, Alexander P. Lewko, Adolph Burrows, and Robert Brodeur. We also have with us tonight the Director of the Aeronautics Commission Capt. Jonh R. Sweeney and Mr. Bert Teague, one of our Sweepstakes Commissioners.

One final guest is Mrs. Mary Spanos, mother of Sen. Harry Spanos.

At this time I will now turn the gavel over to the Honorable Harry V. Spanos.

Sen. SPANOS: Thank you Sen. Nixon. At this time usually the Senators are asked to introduce their guests, however, I am not going to ask them to do this tonight as it will take a lot of time. I am going to introduce to the Senators, the guests of

Harry V. Spanos, they being the people of Newport and district eight. There they are Senators.

INTRODUCTION OF SENATE BILLS

SB 69, relative to selling betting cards by the sweepstakes commission. (Sen. Bossie of Dist. 20 — To Ways and Means and Administrative Affairs.)

SB 70, relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties. (Sen. McLaughlin of Dist. 13; Sen. Claveau of Dist. 14; Sen. Smith of Dist. 15 — To Executive Departments, Municipal and County Governments.)

HOUSE MESSAGES

SUSPENSION OF RULES

Sen. NIXON: I move that the rules of the Senate be so far suspended as to allow introduction of House Bills by title only and that they be referred to the appropriate committee by title only.

Adopted.

INTRODUCTION OF HOUSE BILLS

AND REFERRAL

HB 289, providing that banks which give mortgages on real property may not levy a service charge against the seller of the property. Banks and Insurance.

HB 142, relative to zoning law procedure. Executive Departments.

HB 228, relative to requirements for renewal of chiropractor's license. Public Health.

HB 203, relative to optional election of planning board members in towns. Executive Departments.

HB 270, relative to county elections and vacancies of county offices. Executive Departments.

HB 280, relative to state registration certificates for airmen. Public Works and Transportation.

HB 229, allowing chiropractors to participate in medical service corporations. Public Health.

HB 296, requiring accident and health insurers and all medical and hospital service corporations to pay claims in spite of payment by another company. Public Health.

HB 338, authorizing cities and towns to make payment of relocation assistance. Executive Departments.

HB 73, providing for better control over subdivision development of land in New Hampshire. Resources and Environmental Control.

HB 242, relative to five percent interest on tenant's security deposit. Judiciary.

HOUSE CONCURRENCE

SJR 2, providing a supplemental appropriation for school building aid.

HOUSE CONCURRENCE ON SENATE AMENDMENT

HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

ENROLLED BILLS REPORT

HB 158, legalizing the vote authorizing the issuance of certain bonds by the Town of Hanover.

HB 185, relative to the charter of the town of Hanover.

SJR 2, providing a supplemental appropriation for school building aid.

Sen, Provost
For The Committee

COMMITTEE REPORTS

SJR 1

establishing a committee to study the effect on the State government resulting from population growth, including the present and potential consequences relative to pollution of land,

water, and air; the economic, social and educational problems associated with the growth; and making an appropriation therefor. Ought to pass with amendment. Sen. Roger Smith for the Committee.

AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That there shall be a legislative population commission established which shall consist of eight legislators, of both political parties, five from the House to be selected by the Speaker of the House, and three from the Senate to be selected by the President of the Senate. The commission shall be enabled to receive federal grants, and all other such grants, gifts, bequests, and the like as shall be made available for the purposes of this resolution. Commission members shall receive mileage payments for trips on commission business as provided in RSA 99-A:1. The director of the office of state planning is hereby directed to provide such staff assistance as is required to fulfill the duties of the legislative population commission. Costs incurred by the office of state planning shall be charged to its appropriation. All state agencies shall provide all available data and documents to the commission. The commission shall select a chairman, vice-chairman and clerk from among its members.

That the commission shall undertake the following:

I. Review and correlate studies and reports already available, relating to population growth in New Hampshire.

II. Publish a critical bibliography of such studies and reports, together with recommendations for additional research in the field as may seem desirable;

III. Prepare and publish a study which delineates the impact of present and projected population growth on the natural and man-made resources of New Hampshire, and examines the economic, social, educational, agricultural, transportation, energy and environmental problems associated with such growth;

IV. Recommend specific legislation to deal with the present and potential economic, social, and environmental impact of population growth and distribution in the state. There shall

be at least three public hearings during the course of the study. The report and the recommendations shall be submitted to the president of the senate and speaker of the house by June, 1974.

That there is hereby appropriated for the purpose of this resolution fifteen hundred dollars. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Sen. R. SMITH: SJR 1 was passed by this body on February 8th and referred to the Senate Finance Committee for review. Senate Finance heard the bill on February 15th and as a result of the hearing recommends the bill be amended. The amendment is printed on page 35 of today's calendar.

What the amendment does is to direct the office of State Planning to provide such staff assistance as is required to fulfill the duties of the legislative commission. Mr. Robert Monier of the Governor's staff testified that such a study is within the charge given to the State Planning office — and we as a Senate Finance Committee agreed.

Mr. Monier further stated that there are sufficient funds within the office of State Planning to conduct this study. So we also recommend that the appropriation be reduced from \$30,000 to \$1,500 dollars. Said sum to be used by the legislative commission for mileage and printing.

What we have done is to retain the concept and objective of the legislative population commission but charge the office of State Planning with the research and staff necessary for the study.

There was no opposition to the bill at the hearing and the Chairman and Vice Chairman of the Senate Committee on Resources and Environmental Control concur with our amendment.

Sen. PORTER: I rise in support of SJR 1, as amended by the Senate Finance. Some of the reasoning behind the purposes of this bill as introduced by Sen. Foley, is due to the rapid growth of New Hampshire over the past few years. In New Hampshire we have experienced the largest growth through all New England. Roughly 11½%, most of which is due to migration, as compared to Maine, for example, with minus 7% of migration rate. 80% of this entire population rise has been

in the three southern counties. The adoption of this bill will provide the necessary decision-making information to adequately absorb present and future of New Hampshire. I urge the adoption of this bill.

Sen. FOLEY: Mr. President, this SJR 1 was sponsored by me at the request of a statewide group of concerned citizens under the leadership of Mrs. Annette Cotrell of Hillsboro. There have been many studies made concerning population growth, economic, social and educational problems associated with this growth, and the present and future consequences of the growth relative to pollution of land, water and air. This commission would be the catalyst which would bring all of the studies together and prepare an overall report which would encompass the many hours of study and compilation done by the many boards, commissions, and agencies of the government as well as private agencies.

The bill as amended, will create a commission which will be directed to do the study in total and the commission will then oversee the work which will be done by the planning department. They will see that the provisions of this resolution are met and the work done as directed. The price tag on the bill as amended is now \$1,500 which is a small price to pay for such an important piece of work which will be used by every town and city in New Hampshire as they prepare for the future in all avenues of our society. I urge its passage.

Adopted. Ordered to third reading.

CACR 11

Relating to: Voting Age. Providing That: Eighteen Year Olds May Vote. Ought to pass, Senator Bossie for the Committee.

Sen. BOSSIE: This is a housekeeping bill which would offer the voters of New Hampshire the opportunity to change their constitution so as to comply with the United States Constitution. Our Federal Constitution by amendment permits 18 year olds the right to vote. Since our State Constitution still requires voters to be 21 years of age it will be necessary to change the wording of our Constitution. Since the U. S. Constitution supersedes a State Constitution, then there actually will be no effect if the voters of New Hampshire do not concur with its adoption. It is our feeling that the citizens of New Hampshire

would want to comply with the spirit of the Federal Constitution and to change our Constitution to compliment the fact that 18 year olds are accepting this newly acquired right to vote with serious and conscientious thought.

Sen. LAMONTAGNE: I thought we had passed the eighteen year old vote at the last session of the general court.

Sen. BOSSIE: I was not a Senator at that time, however, I believe what you had done was to adopt the federal Constitutional amendment, the one that was offered by Congress.

Division Vote: 21 Yeas, 0 Nays.

Adopted. Ordered to third reading.

CACR 12

Relating To: Jury Trial in Civil Cases. Providing That: The Supreme Court by Rule of Court Shall Determine the value in Controversy for the Right of Trial by Jury in Civil Causes. Ought to pass. Senator Bossie for the Committee.

Sen. BOSSIE: This CACR would permit the Supreme Court of New Hampshire to determine at five year intervals, the value in controversy for the right of trial by jury in civil causes.

At the present time the New Hampshire Constitution provides that only in civil cases in excess of the value of \$500.00 may an individual demand a right to trial by jury. By this Constitutional Amendment, the Supreme Court at least every five years, or in their discretion at other times, may determine and set the minimum amount in controversy by which one may demand a trial by jury.

It is our feeling that the Supreme Court is in a better position to determine the needs and values of matters brought before it and would be in a better position to reflect the changing needs and demands of our citizens. As it now exists the Constitution is not responsive in this area for it takes great periods of time to change by Constitutional amendment.

With the preceding in mind, we urge the passage of this bill.

Sen. TROWBRIDGE: Sen. Bossie, I take it that you have to change the Constitution in order to change the minimum jury trial amount. Is that right?

Sen. BOSSIE: Yes sir.

Sen. TROWBRIDGE: If so, is there any means by which if this were passed by the voters in the November election by two thirds vote, and if the Supreme Court put in a rule saying that \$11,000.00 is the minimum, and the voters really didn't like what the Supreme Court had set, they would have to go through the process of going back to the legislature or a constitutional convention to take away the power of the Supreme Court. There is no failsafe mechanism if the Supreme Court does in fact act injudiciously, except to go back through the whole procedure of putting it back on the ballot to repeal the constitutional provision that CACR 12 would make. Is that correct?

Sen. BOSSIE: It would be correct but might I add that it is a rare occasion when the Supreme Court of the State of New Hampshire would not act judiciously.

Sen. TROWBRIDGE: I understand, but I think it is useful to talk about it before you pass on something that locks in for quite a while the situation. Is there any Federal Constitutional problem of delegating to the Supreme Court the right to retrial under the Federal Constitution?

Sen. BOSSIE: I would say no, and I am no constitutional expert like Sen. Jacobson, however, I would say that Sen. Bradley, the chairman of the committee has received a letter from the Chief Justice of the Supreme Court of New Hampshire, Judge Kenison, and I believe he recommends the adoption of this bill.

Sen. JACOBSON: Am I to understand that under this proposed amendment that once the Supreme Court sets the five years, it can not then reset it for another five years. Am I correct?

Sen. BOSSIE: Even though the Supreme Court must act every five years, this can be modified at any time.

Sen. TROWBRIDGE: I will be very brief. I plan to vote against CACR 12, not so much that I don't believe in the judiciary or the Supreme Court of the State of New Hampshire, I think they are most judicious people, but something bothers me, and granting to the judicial tribunal who decides who wins or loses a case, the power to say whether a jury-trial will be had in those cases. Somehow if the jury trial right is important to set every five years, it seems to me that you could have a constitutional amendment every five years to set the amount and let

the citizens vote on it themselves. I have always taken the position that I don't mind constitutional amendments I think they are fine, but I have always felt that I should be absolutely sure before I send it to the voters.

Sen. NIXON: I rise in support of CACR 12 as it now stands. One of the things that I don't think the previous Senator clearly understands is that the Superior Court at the trial level, is where cases are tried, and not in the Supreme Court. In this case, if this proposal were adopted the Supreme Court, which is the Supreme Court under the Chief Justice, who, under the statutes, is the person responsible for the efficient operation of the courts all over the state. The Supreme Court would determine from time to time as circumstances dictate the minimum amount which would be required to be claimed in order for a particular claimant to have the right to have the county pay the costs of a jury trial. As Sen. Bossie pointed out before he sponsored the bill at the present time if you have a claim only over \$500.00 you are entitled to have the right to a jury trial, either the defendant or the claims plaintiff. The difficulty with this is at the present time the courts here in New Hampshire, maybe with the exception of some here in Sullivan County, are quite backlogged and overloaded with work, and basically our system has the option on voting the taxes and paying the salaries, more justices for the Superior Courts, or in some reasonable way defining that there will not be quite so many claims that would be entitled to a jury trial. It is a pretty uncommon situation, if it ever exists, where a claim of \$500.00 or \$600.00 or even \$5,000.00 is so serious in consequence to bother the judicial process, that the expense and time involved in providing a taxpayer's paid jury trial is warranted. So it was the feeling by the Governor's Commission on Courts and Improvements, which was established by Governor King in 1968 and continued by Governor Peterson, was that one of the prime things that should be done is to increase the minimum amounts required for a jury trial up to the \$10 or \$20,000.00 range instead of the present \$500.00, but it was a layman, Rep. Harvell from Bedford who came up with the idea that instead of having to come back to the House and Senate for a three fifths vote, anytime you wanted to increase it, why not put in a reasonable rule of flexibility to leave the judgment to the Supreme Court, and let them raise the amount in their best judgement.

Sen. S. SMITH: Mr. President, I rise in support of this constitutional amendment. Last week we had another constitutional amendment which dealt with numbers. I think at that time I stated that I thought it was a dangerous precedent to play numbers in our constitution. Up until approximately 10 years ago we struck shillings and pence from our State Constitution. For this reason, to give the courts the flexibility to adjust the minimum fee, the minimum amount to be involved here, seems to me to be a reasonable matter. The amount of \$500.00 that is presently on the books, is a different \$500.00 than was on the books ten years ago when the present constitutional amendment was adopted. It would seem to me that with the costs of juries mentioned by Sen. Nixon on relatively minor civil cases, that the cost is exorbitant in the amount of, and for this reason I would hope that the Senate would vote to at least present this constitutional amendment to the people of the State.

Sen. BRADLEY: I rise in support of the committee report of ought to pass. Just two brief points, one we did receive a letter from the Chief Justice in support of this measure, but wanted also to be put on record that the Supreme Court did not initiate this particular idea. It is willing to implement it if the voters so choose. Secondly, in response to the point made by Sen. Trowbridge about the concern of locking us into some sort of bad situation, I think we have to look at this as what is worse to lock into the State Constitution. The fixed dollar amount which may get out of hand, or the very unlikely possibility of the Supreme Court setting this amount getting out of hand and I think the latter is a much safer course.

Sen. DOWNING: Senator don't you feel that it would be wiser if you explained the change? Don't you feel this could perhaps be changed to the legislature instead of the Supreme Court?

Sen. BRADLEY: Well I think that will actually be a better system than we have now but if I understand what you are saying it would be to simply say that the amount of controversy would be set by statute of the legislature. That would not be an unacceptable alternative to me. That hasn't been proposed at this time and I am not sure whether it has been proposed in the past but as to the 400 legislators setting it and the Supreme Court setting it, my immediate reaction would be that the Supreme Court is perhaps in a slightly better position as the

people who are supervising the entire court system and would have a feel as to what is more appropriate and the Supreme Court will when brought to their attention through public hearings the concerns of the public and will also of course then get concerns through the general public by other means, so I don't think that the Supreme Court is likely to sit in an ivory tower and set unreasonable limits on this amount.

Sen. TROWBRIDGE: I think that Sen. Downing brings up a good point. Perhaps to get rid of jury trials and to clear their calendar better the Supreme Court would say that the best thing for the administration of justice, so our cases are not backed up, is to put the level way up. Their concern might be for the administration of justice, but that might not be the concern of everyone. That's what I am worried about. They somehow are the wrong judge.

Sen. BRADLEY: Not really wrong, but I have to say that if the proposal had come to my committee to make it a statutory matter I would have also supported that.

Sen. DOWNING: I move that CACR 12 be recommitted to the committee.

I think the point that has been raised here is a most interesting one. Whether we are going to turn the power that is now reserved by the people over to the Supreme Court or not. I think that if the Judiciary Committee had received this information it might have received favorable consideration.

Sen. NIXON: I rise in support of Sen. Downing's motion to recommit this bill back to judiciary committee.

Adopted.

HB 130

relative to the rules of the road. Ought to pass, Sen. Bradley for the committee.

Sen. BRADLEY: This bill will bring New Hampshire into compliance with the requirements for traffic signal operations in accordance with the "Manual on Uniform Traffic Control Devices" which sets the national standards for traffic control devices. It will also be in conformance with the proposed revision of the "Uniform Vehicle Code" that establishes the recommended regulatory authority for these devices.

Basically there are three specific revisions or additions included in the provision of this bill. They are as follows:

Red and Yellow Arrows: This provides for the use of yellow and red arrow indications in addition to existing green arrows. The use of these indications are not mandatory; however, this legislation would make these tools available for use.

The Right turn on Red Concept. This is a practice in general use in the west and south. This would have the same meaning as a Stop Sign for right turn. This would be an alternate for the use of our current practice of displaying a right green arrow with a solid red indication. From experience, the meaning of the green arrow used in this manner is misunderstood by the public and the Highway Department would like to eliminate the green arrow for this application.

Flashing Walk Indications: The flashing Walk is used to indicate what is generally referred to as the "concurrent walk practice." All this means is that the pedestrian is allowed to walk during the green cycle; however, the flashing Walk does warn the pedestrian that there may be a conflict with turning vehicles. This again is a general practice nationally especially in large urban areas.

Sen. PORTER: Senator I support the bill strongly. Just for the record on the right turn after stopping, is this going to be similar to the situation in California.

Sen. BRADLEY: That is right. This is not generally permitted here in New Hampshire. The practice is widespread in California and other states in the western part. With this law on the books it will provide for, and make it lawful, where there are signs so indicating you can do it. To turn right on a red stop light after stopping but you won't be able to do it unless there is a sign saying a right turn on red after stop.

Sen. PROVOST: Will this be a permissive law or will the towns have to adopt it?

Sen. BRADLEY: It will make it permissive for the people who decide on the marking on highways whether it comes under State or local jurisdiction. It will just make this device available for any jurisdiction who wants to have it. It will not be a mandatory thing and as I said before in New Hampshire you can only do it if there is a sign saying you can do it.

Sen. PROVOST: If it were permissible in Manchester and I went to Nashua and did it and it was against the law what would happen?

Sen. BRADLEY: Well, if this law passes the law will be throughout the entire state that you can turn right on red after stop only when you see a sign. So if you don't see the sign you can't do it. You shouldn't get used to something in one town that you wouldn't be used to in another town, and always look for the sign.

Adopted. Ordered to third reading.

SB 35

prohibiting the placing of razor blades or harmful substances in Halloween food or drink. Ought to pass with amendment. Sen. McLaughlin for the committee.

Sen. BRADLEY: I move that this bill be made a Special Order of Business for Wednesday next at 1:01.

The purpose for my motion is that the people in legislative services where the bill was amended put a clause in which no one here can figure out so I hope by next Wednesday I can find someone to explain it. I think we should know what the bill is saying before we vote on it.

Adopted.

HB 201

changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge. Ought to pass. Sen. Claveau for the committee.

Sen. CLAVEAU: This bill changes the name of the Ash Street Bridge to the Robert J. Prowse Memorial Bridge in honor of his accomplishments for the State. The Ash Street Bridge is an overhead bridge. This bridge is designed by Robert J. Prowse who was an engineer for the State. This design brought recognition throughout the nation, and I believe he won a prize of \$1,000 for this design. The committee was unanimous in its recommendation of ought to pass.

Adopted. Orderd to third reading.

HB 190

relative to the petition for proportionate refund of an operator's license fee. Ought to pass. Sen. Claveau for the committee.

Sen. CLAVEAU: This bill was introduced by Rep. Noble of District 21. At the present time a driver's license is for four years and costs \$12.00. There is no provision for a refund on voluntary return of a license. This bill provides for the refund of a license if the license is surrendered voluntary for mental or physical conditions. This does not apply in cases of revocation of a license.

Sen. LAMONTAGNE: What happens in the case of death?

Sen. CLAVEAU: Well I suppose — this isn't covered under this bill at all. You would have to petition the Director for a refund and maybe his estate could do it but this isn't covered under this bill.

Sen. LAMONTAGNE: Mr. President, I personally feel that there are many cases where a person who had died and not had the opportunity to use the license, so therefore there is no provision to refund the money. I think the estate or someone should be entitled to the money. I would like to see this bill delayed.

Sen. NIXON: As a courtesy to Sen. Lamontagne, I move that House Bill 190 be recommitted to the Public Works and Transportation Committee.

Sen. NIXON: In a sense I am rising to speak against the motion I just made. I feel that HB 190 has merit on its own and to be more practical I don't feel that an administrator settling an estate would feel it worth while to try to recover \$4 or \$6 or \$8.00 for an unused license. I think this bill should be passed as it is now before us and if Sen. Lamontagne proposal has merit it should be introduced as a separate bill. Rep. Noble the sponsor of this bill, a former employee of the Department, I am sure has considered all these aspects. Therefore I would hope we would pass this bill as it is now before us.

Sen. LAMONTAGNE: After hearing the remarks of Sen. Nixon I would like to have him withdraw the motion.

Motion Withdrawn.

Adopted. Ordered to third reading.

CACR 21

Relating To: the origination of revenue-raising bills. Providing That: either the house or the senate may originate revenue-raising bills. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, CACR 21 is an effort to correct what is a constitutional limitation at this time. That is, that all revenue-raising bills must originate in the House of Representatives.

This bill will provide this body with revenue-raising power as already is possessed by the House of Representatives. The intention is to put the amendment before the people, to see if they would desire that both bodies, both the Senate and the House of Representatives, have the power of revenue-raising.

This bill was introduced last session as CACR 13 by Sen. Spanos of the 8th District. As part of the Committee Report I will repeat from the remarks of Sen. Spanos made on the Senate floor March 11, 1971 and note any change required by the passage of time. This lengthy report is necessary not only as a courtesy to the sponsor who is now in the position of presiding officer and unable to state such details, but also because such detail will assist this body to fully understand the significance of this resolution.

It would appear that originating money bills in the House only, has its origin in our historical past — that there should be no taxation without representation. Since the House represented population and the upper Chamber wealth and property, our Founding Fathers gave the power to originate money bills to that body which most closely represented the masses and avoided giving the same power to those who represented the aristocracy and vested interests.

But that traditional reasoning is no longer applicable in our political society. Wealth and property as a basis for representation has been voided. Wealth and property per se is no longer represented in the Upper Chamber. Both bodies now represent people.

This being the case, I can no longer see the reason to perpetuate this system in the Twentieth Century. It is an anach-

ronism. Besides, I consider myself only a half-a-legislator not being able to offer revenue measures which today happens to be the key issue of our times. We go about our job concerning ourselves with budgets, expenditures, appropriations and testing priorities without the full and complete knowledge required to make intelligent decisions. Our efforts appear hollow.

I am most disturbed to have to wait upon the House to forward to us that which they consider to be the proper measure to raise money. The House has able men within it, but not all the wisdom of the State House resides there.

I am not happy waiting until (pardon the expression) the "Midnight Hour" to have transmitted to us revenue measures so that we have to take it or leave it because of the pressure of time and political expediency. Past experiences in this Chamber tells us how difficult it is to amend any such bill which passes the House.

Apparently, there are many who are beginning to feel the same way. Three states adopting modern, up-to-date constitutions have incorporated this concept in their organic law: Michigan in 1962, Florida in 1968 and Illinois as recently as last year. Note: There are now 28 states where each House may initiate revenue measures.

I have been informed by some that the House will be reluctant to relinquish their monopoly on money bills as it represents a most strategic weapon in the "in-fighting" of our democratic process. I don't believe that this is sufficient reason to continue this practice. As a matter of fact, were the House to support this amendment, it would tend to minimize their notoriety and they could share with the Senate the responsibility, the blame, and the accolades attendant upon the introduction of any revenue measure.

I have also been informed by some that the Senate will consider this a "hot potato" and be reluctant to give up their hiding place behind this constitutional limitation. It is so very easy to evade the issue when the people back home inquire as to money bills. Well, all I can say to you, my fellow colleagues, is that once in a while, (as U. S. Senator Edmund Ross said when he voted against the impeachment of President Andrew Johnson) we must "look into our own grave" and find the political courage to do that which is right.

I submit that this Legislature must be made more responsible and more accountable to the people of this state. The amendment before you will free the Senate from an unnecessary, historically exhausted constitutional shackle and will help to create a more effective and a more responsible Legislature. This constitutional reform will reflect a response to the emerging problems of the 70's and serve as a catalyst for change.

I urge my colleagues to support the Committee Report.

That concludes the remarks of Sen. Spanos. A division vote was taken, and with 18 yeas and 1 nay the resolution was ordered to a third reading.

The responsibility is clear, the time is now. I urge you to support the Committee Report.

Division vote: 20 yeas, 1 nay.

Adopted.

Sen. DOWNING: I move that the rules of the Senate be so far suspended as to allow for a committee report not previously advertised in the Journal.

Mr. President the bill is an act relative to Castle Junior College in Windham to grant degrees. The hearing was held today.

Sen. S. SMITH: Mr. President, I would rise in support of the motion as offered by Sen. Downing.

As he has indicated, there was no opposition to the bill. Through testimony of Mr. Kane, it was indicated that it was imperative that quick action be taken so that they may publish next year's catalog and also they are presently a month late in ordering diplomas for the coming commencement in June.

A little background on Castle Junior College: It was started in 1963 and accredited by the federal government as a business school in 1965. It presently has a student population of a little over a hundred. Mr. Jensen, chairman of the Coordinating Board of Advanced Education and Accreditation, appeared in favor of the bill. He stated that the school does qualify to be classed as a junior college, granting the degree of associate in business science.

Sen. BRADLEY: Sen. Smith, could you tell us what this

part of the bill means where it says subject to the continuing approval of the coordinating board of advanced education and accreditation. Does that mean that this board could prevent them from any degrees for some reason and if so who is this board anyway.

Sen. S. SMITH: The Coordinating Board of Advanced Education and Accreditation is a board which evaluates the colleges and other schools within the state. They have looked into the school, came to the hearing and approved passage of this piece of legislation which would give them a Jr. college status. Basically from June 1971 through June 1975, however subject to continued approval. This means that the board is continually checking on schools to make sure they are maintaining proper academic standards.

Sen. LAMONTAGNE: Did you say that the board of education had approved this legislation?

Sen. S. SMITH: Not the board, the State Board of Education, this is a special board for giving approval — this is the coordinating board of advanced education and accreditation.

Sen. LAMONTAGNE: Do you feel that this board feels that they have met the standards required.

Sen. S. SMITH: That is correct.

Adopted. Ordered to third reading.

HB 249

relative to the power of Castle Junior College to grant a degree. Ought to pass. Sen. S. Smith for the committee.

Sen. DOWNING: I believe that Sen. S. Smith has given sufficient explanation and I rise in support of the committee report.

Adopted. Ordered to third reading.

HB 105

relative to setting traps for the taking of fur-bearing animals. Ought to pass. Sen. Brown for the committee.

Sen. BROWN: Mr. President, I realize that when you made this a special order of business for tonight you did so because of the remarks I made. You asked me to repeat them verbatim but I made those remarks on the spur of the moment so it is

impossible for me to do it verbatim at this time. HB 105, under the present law relative to trapping fur-bearing animals the law states that you can only do so by boat or canoe. Obviously in the winter time with the ice on the streams and lakes and so forth you cannot use a boat or canoe so in order to protect themselves under the law he has had to drag his boat or his canoe with him on to the ice. To prevent him from being forced to do this this bill allows him to walk out onto the ice to set traps.

Sen. LAMONTAGNE: I noticed that this bill says fur-bearing animals. Does it specify what fur bearing animals or does it mean all of them? Does it mean bear? Does it state anywhere if bear can be caught in these traps?

Sen. BROWN: It just states fur-bearing animals, it does not specify any specific type, but I doubt very much if you could trap a bear under the water and if he should be able to, good luck.

Adopted. - Ordered to third reading.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, and that when we adjourn we adjourn until 1:00 on Tuesday in the Senate Chambers in Concord and with special thanks to the Town of Newport for being host to this February 22nd meeting, to Sen. and Mrs. Spanos for their grand hospitality, the Newport High School Principal and Staff for the use of these facilities, the V.F.W. Newport Memorial Post, the American Legion Brewster-Gould-Lee Post. No. 25 for the Color guards, the Senior class who worked for us, the lovely ushers, Eric Richardson's art class, Flora LaCroix and staff for refreshments, the Newport Police Chief Norman LaCroix and his department and the we adjourn in honor of Vice President Spanos' mother, Mrs. Mary Spanos.

LATE SESSION

Third reading and final passage

SJR 1, establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences relative to pollution of land, water, and air; the economic, social and educational prob-

lems associated with this growth; and making an appropriation therefor.

HB 130, relative to the rules of the road.

HB 190, relative to the petition for proportionate refund of an operator's license fee.

HB 249, relative to the power of Castle Junior College to grant a degree.

HB 105, relative to setting traps for the taking of fur-bearing animals.

HB 201, changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge.

Adopted.

CACR 21, Relating To: the origination of revenue-raising bills. Providing That: either the house or the senate may originate revenue-raising bills.

Division vote: 18 yeas, 3 nays — Lamontagne, Gardner, Poulsen.

Adopted.

CACR 11, Relating To: Voting Age. Providing That: Eighteen Year Olds May Vote.

Sen. Lamontagne requested a roll call, seconded by Sen. Provost.

Yeas, Sens. Lamontagne, Poulsen, S. Smith, E. Gardner, Bradley, Green, Jacobson, Spanos, Nixon, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Sanborn, Provost, Brown, Bossie, Downing, Preston, Foley.

21 Yeas, 0 Nays.

Adopted.

Sen. Nixon moved the Senate Adjourn at 9:00 p.m.

Tuesday, 27Feb73

The Senate met at 1:00 p.m. with Vice President Harry V. Spanos in the Chair.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let us Pray.

May the inspiration of Thy Spirit guide us this day, O Lord.

Help us to be able to understand what is right, for our Times!

Kindle within our hearts the desire to make things new and to bring peace and tranquility to ourselves as well as those whom we serve. Send help to our P.O.W. whose release has been held up. Help us, O Lord! Amen.

Pledge of Allegiance was led by Sen. Johnson.

INTRODUCTION OF SENATE BILLS

SB 71, relative to eminent domain procedures. (Smith of Dist. 3, referred to Judiciary.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HJR 20, transferring certain accumulated income to the principal of the special teacher competence fund. Referred to finance.

HB 250, requiring that no more favorable loan terms be granted by banks to officers thereof than to others. Referred to Banks and Insurance.

HB 314, relative to accident and health insurance issued under franchise plan. Referred to Banks and Insurance.

HB 246, relative to reimbursement of certain towns for district court sessions held within such towns. Referred to Judiciary.

ENROLLED BILLS REPORT

HB 35, relative to the distribution of court reports to various officers and bodies.

HB 44, to abolish the water commission in the town of Meredith and transfer its functions to the selectmen.

HB 45, relative to secretary of state transferring reports of state agencies to state library.

HB 65, establishing a fee for duplicate copies of photographic licenses.

HB 105, relative to setting traps for the taking of fur-bearing animals.

HB 125, relative to propagating or possessing for sale wild turkeys.

HB 130, relative to the rules of the road.

HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

HB 190, relative to the petition for proportionate refund of an operator's license fee.

HB 201, changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge.

HB 249, relative to the power of Castle Junior College to grant a degree.

Sen. Provost
For The Committee

ENROLLED BILLS AMENDMENT

HB 90, relative to removing the limit on horned pout.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act
repealing the limit on horned pout

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Repeal. RSA 211:16-a, as inserted by 1955, 102:1, 2, relative to the limit on taking horned pout, is hereby repealed.

Adopted.

Introduction of Commissioner Townsend, N.H. Department of Agriculture.

Explanation of the function of the Department.

Com. TOWNSEND: Thank you Mr. President, Honorable members of the Senate, it is my understanding that your President is reluctant to accept credit, or blame, as the case may be, for some of the innovative ideas which have been instituted by this Senate. Consequently I am not sure to whom I should give credit for the idea of inviting Department heads to speak to this august body. In any event let me say it matters not who should be credited for the idea, I welcome the opportunity, as all Department heads should, to discuss the functions, needs and requirements of the departments each is responsible for.

It is good to be back with old friends as well as new ones. I believe I have met most of the new Senators, as a result I feel quite at home. Having spent many days and too many nights in this hall over the past six years I think I have a good understanding of the problems you face between now and June 30.

If I have learned anything in the three months I have been a Department head, it is the value of the legislative experience I received during the three terms I served in this Senate.

I am of the opinion that we might do well to require any appointed Department head to have served at least two terms in the legislature at least one of which should be on either the House Appropriations or Senate Finance Committees. I say this because legislative experience provides any Department head with an understanding of the overall problems facing the state and the legislative branch. Hopefully this experience will enable me to better keep the needs and requirements of my Department in prospective, at least in respect to the ability of the state to pay for them.

The N.H. Department of Agriculture was established in 1914. At that time the duties of the Commissioner were written as follows: "It shall be the duty of the Commissioner to devote his entire time to the duties of his office in the promotion of

every agricultural interest of public importance. He shall co-operate, so far as may be practicable, with the Extension work of the New Hampshire College of Agriculture. The Department of Agriculture shall be open to all who are engaged with in this state in any form of agriculture in any of its branches, or any allied vocation, for advice, either in person or through correspondence as to any matter involving such interest, and to that end the Commissioner shall gather, tabulate, index and keep on file statistics giving information of public interest upon the subject matter of this Department."

The Department has four divisions as follows:

1. The Division of Office of Commissioner:

With the following components:

A. Agricultural Advisory Board

Duties to advise the Commissioner on current problems and advise the Governor on nomination for Commissioner when vacancy occurs.

B. Agricultural Promotionist

Promote all branches of agriculture, new and old.

C. Eastern States Exposition

Supervise State Building in West Springfield, Massachusetts.

D. Distribution to Agricultural Fairs of \$150,000 from Racing Commission for premiums

E. Licensing of Live Poultry Dealers

F. Federal Matching Funds

Federal money to support specific market programs.

G. State Soil Conservation Committee

Assist in proper development, use, preservation and enhancement of state's natural resources.

H. Pesticide Control

Supervise the enforcement of the pesticide control laws with advice from Pesticide Control Board. We presently have nearly 2,500 pesticides, herbicides and fungicides registered.

I. Accounting Division comes under my direct supervision. The duties are Administrative finances of this Department.

J. Feed, Seed, and Fertilizer Regulatory Services

There are 1596 Feeds and 579 Fertilizer products registered for 1972. There is one Agricultural Inspector doing sampling and inspection.

K. Dairy Services

This law comes under my Division, however it is not fully implemented because of the elimination of the position of the Dairy Supervisor.

II. The Division of Markets and Standards:

This Division has two Bureaus: Bureau of Weights and Measures and Bureau of Markets.

Bureau of Weights and Measures: This bureau is responsible: for testing all weighing and measuring devices over or in which any commodity is purchased or sold. These include all scales, (vehicle scales, counter platform, suspension, counter balance computing, hopper-batching) meters (gas pumps, vehicle petroleum, bulk storage, liquid petroleum gas) linear measure, compartment calibration, bulk milk tanks and liquid measures.

We are responsible for ascertaining that all commodities in package form have correct weight, measure or count and proper labeling under Trust and Packaging law. We also operate our new Weights and Measures Laboratory in the State House Annex. We issue Dealers and Repairmen licenses and New Hampshire Weighmasters licenses.

Bureau of Markets: This bureau aids, assists and promotes the marketing of all agricultural products produced in the state by disseminating market reports and information through the publication of the Weekly Market Bulletin. The Bulletin has about 15,000 subscribers paying \$4.00 per year. The income from subscriptions makes the Bulletin more than self-supporting. e also work very closely with the Federal program on inspection of poultry and eggs. We administer the New Hampshire Seal of Quality Program and enforce the laws in respect to grading of farm produce.

III. Division of Animal Industry:

Dr. C. B. Dearborn, State Veterinary, directs this Division. This work includes both antemortem and postmortem inspection of all animals slaughtered as well as inspection of meat and poultry processing (cutting and wrapping) plants.

IV. Insect and Plant Disease Suppression and Control:

This Division is responsible for the suppression and control of any insect pest or plant disease which seriously threatens the state or any part thereof. The objective is to protect the general public from damage by any insect or plant disease; provide annual inspection of all nursery stock grown and offered for sale in the state to assure the consumer that the stock is apparently free from insects and disease and to permit interstate and foreign movement of this stock; to provide annual inspection of all bees and equipment to prevent spread of American fowl brood disease.

The Division also provides technical assistance to the Arborist Board, Pesticide Control Board, Mosquito Control, Eastern Plant Board and National Plant Board.

This is, in brief, without going into detail, the structure and functions of the Department. The Department has 49 full time employees and four part time or summer employees. The budget, as the Governor proposed it, calls for a total expenditure of approximately \$890,000.00. Of this approximately \$431,000 come from non general funds i.e. Federal, licenses and permits, fees and subscriptions.

The Governor's budget total was nearly the same as the Department requested, however, I shall request some realignment of some of the funds to enable the Department to more adequately meet its statutory obligations. If my proposals to accomplish this are accepted by the legislature, the Department will be in an improved position over that of the past two years.

We do have several pieces of legislation we consider vital to agriculture in general and the Department in particular and I hope the Senate will support us on the following bills:

HB 307, Current Use Assessment

HB Amending the Fertilizer Law

HB 68 Amending the Weights and Measures Law

HB 421 Increases indemnities for condemned animals

HB 310 Increases the state's share of the cost of cooperative extension work.

HB 308 Relative to income and operating charges at the Eastern States Exposition.

HB 216 Amending the Arborist Board Law.

HB 204, Establishes a fruit and wine marketing advisory committee.

Howard C. Townsend, Commissioner
N. H. Department of Agriculture

WHAT IS A FARMER?

A farmer is a paradox — he is an overall executive with his home his office; a scientist using fertilizer attachments; a purchasing agent in an old straw hat; a personnel director with grease under his fingernails; a dietitian with a passion for alfalfa, aminos, and antibiotics; a production expert with a surplus, and a manager battling a price-cost squeeze.

He manages more capital than most of the businessmen in town.

He likes sunshine, good food, State Fairs, dinner at noon, auctions, his neighbors, his shirt collar unbuttoned and, above all, a good soaking rain in August.

He is not much for droughts, ditches, throughways, experts, weeds, the eight-hour day, grasshoppers or helping with housework.

Farmers are found in fields — plowing up, seeding down, rotating from, planting to, fertilizing with, spraying for, and harvesting. Wives help them, little boys follow them, the Agriculture Department confuses them, city relatives visit them, salesmen detain them and wait for them, weather can delay them, but it takes Heaven to stop them.

A farmer is both Faith and Fatalist — he must have faith to continually meet the challenges of his capacities amid an ever-present possibility that an Act of God (a late spring, an

early frost, tornado, flood, drought) can bring his business to a standstill. You can reduce his acreage but you can't restrain his ambition.

Might as well put up with him — he is your friend, your competitor, your customer, your source of food, fiber, and self-reliant young citizens to help replenish your cities. He is your countryman — a denim-dressed, business-wise, fast-growing statesman of stature. And when he comes in at noon, having spent the energy of his hopes and dreams, he can be recharged anew with the magic words: "The market's up." (From Copy by Station KMA, Shenandoah, Iowa.)

RECESS

OUT OF RECESS

SUSPENSION OF RULES

Sen. Jacobson moved that the rules of the Senate be so far suspended as to allow the reading of Committee Reports on HB 258 and HB 88, without being previously advertised in the Journal.

Sen. JACOBSON: Normally, I am reluctant to ask for suspension of the rules because the Senate is thereby denied the opportunity to check fully the given Bill. In this case, I do so because of the time factor involved. HB 258 is necessary by March 3, 1973, and HB 88 by town meeting day. March 6, 1973.

Adopted.

COMMITTEE REPORTS

HB 258

relative to the debt limit of the Londonderry school district. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 258 relates only to the Londonderry School District. On March 3, 1973, the district will meet in annual meeting to decide on a 1.3 million dollar school bond issue. In order for it to be effective, the provisions of RSA 33:4-b are to be suspended. With reference to the date of the equalized evaluation used for the computation of a debt limitation so that the computation will be based on 1972 instead of 1970. The bill further sets the debt limitation of 7% of the equalized evalua-

tion. The bill is applicable only for this meeting and the school district returns to the control of the established statutes thereafter.

Sen. S. SMITH: In this type of bill, generally what is asked for is an increase in the bonding of 7 to 9% or some other figure depending on the type of school. As I understand it, your explanation of this bill, this would allow the town to use the figure of the 1972 equalized evaluation rather than the one of 1970, is that correct?

Sen. JACOBSON: Yes, that is correct.

Sen. S. SMITH: Is that figure, at this time, established?

Sen. JACOBSON: It is not and will not be established for several months.

Sen. S. SMITH: How then will the people know what maximum they can raise their bonded indebtedness?

Sen. JACOBSON: That question was asked and it is a set figure and they have made a rough estimate which sets it at 1.3 million.

Sen. S. SMITH: What happens if this figure that they set is lower than the bonding that they are going to ask for at the meeting?

Sen. JACOBSON: That would complicate the problem considerably. They have checked with bond council and bond council in its wisdom has agreed to the bill.

Sen. S. SMITH: Wouldn't it, in fact, be a safer method to compute this figure based on a known rather than on an estimated dollar amount?

Sen. JACOBSON: From your usual perspective, you are correct.

Adopted. Ordered to third reading.

HB 88

relative to the election of officers of cooperative school districts at town meeting and the time of taking office. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 88 corrects a problem that has arisen because of present statutes which permits the election district

offices to take place at town meeting. At present, even when a school district meeting occurs after town meeting, a newly elected officer takes office immediately, so an officer who chooses not to stand for re-election or is defeated goes out of office before the district meets. This has had the effect of eliminating a school board member just at the critical time before the annual meeting and seating a new person. What HB 88 does is to correct this incongruity by establishing that any person elected to school district office does not take office until after the annual school district meeting. Again, I would add that this is the second of four amendments I included in that horrendous "sneaky pete", HB 42 which the House has now approved.

Sen. S. SMITH: Is there anything else in this bill, is there an amendment coming in from the House on the bill, or has the bill originated in the House.

Sen. JACOBSON: The House originated the bill and it came in an amended version.

Sen. S. SMITH: I wonder if you would explain the amendments.

Sen. JACOBSON: The amendments simply cleans up the language and establishes the original principle — I don't know of any significant change.

Sen. S. SMITH: There is nothing in this bill dealing with any specific school district?

Sen. JACOBSON: No. I have a copy here if you would like to look at it.

Sen. S. SMITH: Can we have a one minute recess?

RECESS

OUT OF RECESS

Sen. BRADLEY: Sen. Jacobson, there is a school district in my District, the Mascoma Regional Cooperative District which has a provision in its Charter, which provides that the members of the School Board would take office on July 1, and I have advised them, although there appears to be a conflict between that provision in their charter and this general law that their specific charter would control and they should continue the custom they have had in the past of taking office on

July 1, and I was curious whether in any of your deliberations if there was any intention on the part of the committee or the sponsors of this bill to change anything with specific reference to the Mascoma Valley Regional School District.

Sen. JACOBSON: That question did not arise at the Committee hearing at any time and I would presume that the Mascoma Regional School District, at the present time must be doing this under some enabling legislation — the present statute says they shall take immediate office after election.

Sen. S. SMITH: But there was no intention in connection with this particular bill that you know of to focus it on the situation at Mascoma Valley Regional.

Sen. JACOBSON: No. I don't know the Mascoma Regional District's problem, but, as you have stated, this would allow them to conform to the law. If they want to take office on July 1, that would be sometime after the school district meeting, I presume, since they must take place sometime between March 18 and April 30.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS AT 1:01

Sen. Preston moved that SB 16 be made a special order of business for Thursday at 11:01 in Portsmouth.

Sen. PRESTON: As a courtesy to the Chairman of our Recreation and Development Committee, he was called out hurriedly today as a witness in some court procedure and he requested that this be a special order of business.

Sen. LAMONTAGNE: Mr. President, I am not going to oppose the motion, although I felt it should have been taken care of today seeing that the remarks that have been made by the Senate, but although I was well prepared and the reason that I was well prepared for the protection of my bill, SB 16, was because last Sunday I made it my business to go into the woods and I want you to know that I witnessed what was the best scenery that I have ever seen in my whole life, but I was very sorry to see that the herds in the North Country — that I consider the deer herds very, very hungry, because last Sunday, Mr. President, I had a friend of mine who had a cedar tree and I stood by with a camera and I took 150 feet of film of a deer

following this fellow that had a cedar tree. He took a saw and cut off some of the branches, and I wish you could have seen the deer going for those branches. There is no question about it, up North we have got deer and SB 16 was only a protection, and I hope that between now and next Thursday that you'll have a chance to do some checking and to find out whether my story is true or not. In order to give you a challenge, and the reason why I am offering this challenge is because this was done four times in that afternoon and four times the deer came out to eat these branches and therefore when you come up North, I will be glad to take you up there and give you a little demonstration and give you a chance to see some of the live deer and the herds we have up North.

Sen. JACOBSON: I am no expert on deer, may I begin with that, but it was my understanding that it's normal for deer to eat cedar and hemlock — they actually condition themselves, is that not correct?

Sen. LAMONTAGNE: It is possible.

Adopted.

SPECIAL ORDER OF BUSINESS AT 1:02

Sen. BROWN: I move that HB 46 be made a special order of business for 1:01 tomorrow.

Adopted.

VACATE

Sen. Claveau moved that HB 262 be vacated from the Transportation Committee and referred to the Committee on Finance.

Sen. CLAVEAU: The reason for this, I spoke with the comptroller, Jack Flanders, and he tells me that the building where the tax commission is at the present time, at the old telephone building be vacated by April 1 and they want to speed up the bill so that they can take action into possibility of purchasing another piece of property.

Adopted.

ANNOUNCEMENTS

Sen. LAMONTAGNE: Mr. President, several weeks ago,

SB 17 which provides limitations on the width & length of trucks, we have had an executive meeting on another Senate Bill, SB 16, and I had asked for an executive meeting at that time for SB 17, but the Chairman of the Transportation Committee held back and is still holding back. Now I have made a statement yesterday that I would ask to recall this bill — and seeing that I have made this statement yesterday to the news media, I felt that I would continue with the request that I had proposed to do today. Since then, the chairman of the Transportation Committee, being fair, has got in touch with me and has promised me that within a few days that this report would be coming in from the Committee. Now this is not a threat, but this is only a notice that if the Committee Report does not come out in the next few days then it will be necessary for me to see if I can get this bill out of the Committee for action on this floor.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, and that when we adjourn we adjourn until tomorrow at 1:00 and at the request of Sen. Steve Smith we adjourn in honor of Coach Janice Parissi and the new state champion girls basketball team of Inter-Lakes High School.

Adopted.

PERSONAL PRIVILEGE

Sen. LAMONTAGNE: Mr. President and Members of the Senate, I have a pretty rare, true, story. As you know, I made an announcement that my camera was found. I was very happy and pleased, the reason for it was I was more interested in the film which had something to do with the inauguration, but unfortunately I had the film developed, and when the film was developed it was discovered that this camera does not belong to me. Therefore, right now we have our assistant clerk, who is in search of trying to find out who the Member of this Masonic Order who is the owner of this camera and I am hoping that he will be able to find the owner, because it does go back to Christmas and I'm sure that these films that I had developed are going to be worthwhile to the person who owns the camera. So, I am going to turn the camera over to the Assistant Clerk

and the pictures, and I hope that he will be able to find the owner.

LATE SESSION

Third reading and final passage

HB 258, relative to the debt limit of the Londonderry school district.

HB 88, relative to the election of officers of cooperative school districts at town meeting and the time of taking office.

Adopted.

Sen. Foley moved that the Senate adjourn at 2:08 p.m.

Wednesday, 28Feb73

The Senate met at 1:00 p.m.

(Sen. Spanos in the Chair)

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

May Thy hand be upon us, and guide us, in all our duties to which we have been chosen.

Teach us, that we may know that no false judgment will prevail among us, as we go forth through this State, bringing knowledge of our work to all that will observe and listen.

Keep us ever mindful of Your concern for all men everywhere. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Sen. Sanborn.

RECESS

JOINT CONVENTION

Address by Judge Kenison

OUT OF RECESS

INTRODUCTION OF SENATE BILLS

SB 72, limiting bequests to town trustees for the care of individual burial lots; broadening the investment discretion of town trustees; and requiring that reasonable compensation be paid to trustees of charitable trusts. (Bradley of Dist. 5 — To Executive Departments, Municipal and County Governments.)

SB 73, to establish a state liquor store in New London and making an appropriation therefor. (Jacobson of Dist. 7 — To Ways and Means and Administrative Affairs.)

SJR 5, providing a supplemental appropriation for the cancer commission. (Gardner of Dist. 4 — To Public Health, Welfare and State Institutions.)

HOUSE CONCURRENCE

SCR 3, memorializing the Congress of the United States to enact legislation which will grant the Social Security increase without having any welfare assistance or veteran's pension reduced.

ENROLLED BILLS REPORT

CACR 11 Relating To: Voting Age. Proposing That: Eighteen Year Olds May Vote.

HB 88, relative to the election of officers of cooperative school districts at town meeting and the time of taking office.

HB 258, relative to the debt limit of the Londonderry school district.

Senator Provost
For the Committee

INTRODUCTION

General McSwiney, Adjutant General

Explanation of the function of the Department.

Gen. MCSWINEY: Gentlemen, it is indeed a pleasure to be able to discuss with you the responsibilities of The Adjutant General's Department.

Item I. The statutory responsibilities and authority of this Department is contained in R.S.A. 110-A:8 II:

“The adjutant general shall be the chief of staff to the governor and shall be the executive head of the adjutant general's department. He may perform any act authorized by this chapter or by the regulations issued pursuant thereto through or with the aid of such officers of the national guard or other personnel as he may designate. He shall exercise and perform all powers, functions and duties which are or may be imposed upon him by the laws and regulations of the United States. It shall be the duty of the adjutant general to direct the planning and employment of the forces of the national guard in carrying out their state military mission; to establish unified command of state forces whenever they shall be jointly engaged; to submit such written reports to the governor as the governor may prescribe; and to perform such other duties as the governor may direct. Whenever the governor and those who would act in succession to the governor under the constitution and laws of the state shall be unable to perform the duties of commander-in-chief, the adjutant general shall command the militia.”

Item II. In the area of recent developments in programs of this department, there has been little departure from the normal over the past 17 years since I have been Adjutant General. The program that would be most interesting to the Senate would be the use of National Guard troops in their State responsibilities. This is covered by our operation plan “Link-up.” Under Executive Order 73-2, the Adjutant General is designated as the chief co-ordinator for our State Departments when faced with any natural or man-made disaster. This plan has been in being for the past 12 years and has been up-dated frequently to conform with changing situations and from experience in many type operations. Briefly, it utilizes all of the assets of the State to handle any emergency at State level or at the local level, when local resources cannot cope.

Item III. In discussing personnel within the department, it is necessary to divide them into two categories: First, those employees who are on the State payroll, consisting of 53 classified positions; 12 at the Central Administrative Office; 26 at the armories; boiler firemen 1 who act as the janitors and a force of 11 maintenance people at the State Military Reservation in

Concord and 4 at Pease Air Force Base. The second category is the National Guard technicians who are federally paid employees under Civil Service. The majority of these employees must be members of the National Guard to occupy the position. There are 169 supporting the Army National Guard and 175 supporting the Air National Guard on a full-time basis. It might be of interest to note that the total payroll for this category in calendar year 1971, was \$3,319,495.10.

Item IV. It is felt that the financial situation during the present biennium, coupled with the proposed Governor's budget will enable this department to perform maintenance on many of our buildings that has long been deferred. There are under the control of The Adjutant General's Office, 20 Armories and 18 other buildings, including the complex at the State Military Reservation, four organizational maintenance shops and various other buildings for a total of 38, being utilized by the Army National Guard. At Pease Air Force Base, we have on license from the Air Force, a total of 8 buildings.

Item V. I do not consider that we have any major problems which would be of interest to the Senate but would emphasize that to provide the necessary maintenance of our real estate, the budget as proposed by the Governor is essential.

Item I. The statutory responsibilities and authority of this Department is contained in R.S.A. 107:3

"State Civil Defense Agency

There is hereby created a division of civil defense (hereinafter called the State Civil Defense Agency) and a State Director of Civil Defense (hereinafter called the State Director). The governor with the advice and consent of the council, shall appoint a State Director to serve during their pleasure. The said state Director may employ such necessary technical, clerical, stenographic and other personnel, fix their compensation, and may make such necessary expenditures from state or federal funds as are or may be made available to him for purposes of Civil Defense. The State Director and other personnel of the Civil Defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. The State Director, subject to the direction of the Governor, shall be the

executive head of the Civil Defense Agency and shall be responsible to the Governor for carrying out the program for civil defense of the state. He shall coordinate the activities of all organizations for Civil Defense within the state, state and local, and shall maintain liaison with and cooperate with Civil Defense Agencies and organizations of other states and of the Federal Government, and shall have such additional authority, duties and responsibilities authorized by this chapter as may be prescribed by the Governor."

Item II. There have been no significant recent developments and programs in the Civil Defense Agency since I became the Director in 1961. Basically, the agency is an administrative, rather than an operational unit. We deal directly with the 234 municipalities within the State who are, by law, required to appoint a Civil Defense Director. We assist these various cities and towns in the preparation of the necessary papers to conform with federal regulations. A city or town so conforming, is eligible for 50 per cent reimbursement of their expenses for personnel and administration and the Federal Surplus Property Program. There are two programs which are supported 100 per cent by federal funds: they are, *engineering services* which assist communities in locating and marking the fall-out shelters and the *Radef maintenance and calibration shop* which maintains the radiological instruments for both New Hampshire and Vermont.

Item III. There are 9 classified positions in the Civil Defense Agency. As stated above, these personnel handle the administration of the agency on a state-wide basis. They consist of the following; a deputy director, operations officer, 2 field representatives, a radiological training and property officer, a communications officer and account-stenographer I and clerk typist II. The engineering services employ one part-time engineer and one clerk-stenographer III. The radiological and maintenance and calibration facility have one electronic technician II, one electronic technician I and one storekeeper. The latter two programs as mentioned above are 100 per cent federally funded.

Item IV. The budgetary and financial situation which has always been on an austere level can be maintained at that level under the present proposed budget. It might be of interest to note that New Hampshire spends 12c per capita for Civil Defense, one half of this amount being reimbursed by the Federal Government.

Item V. The one problem that has always been present in respect to Civil Defense in New Hampshire is the lack of a State emergency operating center. It is hoped that the present plan for the laboratory building for the Department of Health and Welfare will provide such a center for this agency. We have been working with the architects and engineers in the planning phase of this structure and at the public hearing, it looked as though it might be possible for them to provide this necessary facility. I might note that this area would be dual purpose in nature. The federal government would provide 50 per cent matching funds for any additional construction and furnishings required.

Gen. MCSWINEY: Are there any questions on Civil Defense?

Sen. FOLEY: I noticed in the paper that Mayor White has practically dissolved his division of the Civil Defense Department in Boston, would you care to comment on the need of the Civil Defense Unit in New Hampshire.

Gen. MCSWINEY: I can comment in two ways, Senator. Governor Rockefeller did the identical same thing in New York. And, after the recent hurricane and flooding in New York and Pennsylvania, there has been a complete reversal in New York and in New York State effective just recently, the Adjutant General of New York is now the Civil Defense Director and I think that it is essential — one thing that I didn't bring out in the Civil Defense picture is the surplus profit that we were able to procure for the cities and towns and the value of that is appreciable and I think that anyone that has had anything to do with municipalities will realize that. I think that's the only answer that I can give.

Sen. PORTER: General McSwiney, do you think that the Civil Defense course is ready to react in the event of an Agnes level of a flood in New Hampshire?

Gen. MCSWINEY: I think that within the resources that we have in New Hampshire, and I'm speaking about actually our plan "link up" as much as anything else, depending upon how serious this is and I feel that we could accomplish a great deal. It might be of interest to the Senate to know that I recently received or saw a letter from the engineers flood control in Hartford, Conn., where they superimposed Agnes on the State

of New Hampshire. Now, of course, this is an operation in rhetoric in a sense, but where the flood stage level at Plymouth is 11 feet, Agnes would have brought the river up to 51 feet.

Sen. PORTER: I have two questions, actually. First one, would you send me a copy of that, but, do you think on operation "link up", has this been disseminated to all the cities and towns and appropriate people in the State and discussed?

Gen. MCSWINEY: Operation "link up" has been disseminated as far as we feel this particular plan should go. What we have done is disseminate it to all of the State Departments that if there is any area in which they need assistance that they are unable to cope with, if they are to call the State Police Communications Center where the information would be immediately provided to the people who are able to help.

Sen. CLAVEAU: General, I have a question in reference to the National Guard. How many Armories do we have in New Hampshire?

Gen. MCSWINEY: We have twenty Armories.

Sen. CLAVEAU: And how many do we have in the National Guard in New Hampshire?

Gen. MCSWINEY: In the Army National Guard we have about 2,200 (twenty-two hundred). In the Air National Guard, somewhere in the vicinity of 850 (eight hundred and fifty).

Sen. R. SMITH: General, do you feel that we are adequately prepared to defend ourselves against armed aggression from the State of Maine?

Gen. MCSWINEY: Sen. Smith, I have talked with the Adjutant General of Maine this morning and informed him that if he values his hide, he will stay North of Portsmouth.

Sen. R. SMITH: My apologies for interrupting you, General.

(Sen. Foley in the Chair)

COMMITTEE REPORTS

CACR 12

Relating To: Jury Trial in Civil Causes. Providing That: The Supreme Court by Rule of Court Shall Determine the

Value in Controversy for the Right of Trial by Jury in Civil Causes. Ought to pass. Sen. Bossie, for the Committee.

Sen. DOWNING: I move that CACR 12 be made a Special Order of Business for 1:01 next Wednesday.

Sen. BOSSIE: Madam President, Gentlemen and Ladies of the Senate, the Judiciary Committee subsequent to the meeting of last Thursday evening, which this current Joint Resolution was returned to us as we considered it, and we have brought out the same report that it ought to pass in its present form. Now some of the matters were discussed by Sen. Downing and were very good and very alert and we appreciate the thought behind it and in speaking in response of a bill of why the Legislature rather than the Supreme Court would be the determinator of the amount in controversy was felt by him that it would be more acceptable to the constituency to the voter who has to accept this constitutional amendment. It is the feeling of the sponsor and it certainly is the feeling of the committee that this certainly would be more acceptable to the electorates to have the Supreme Court determine the amount of controversy before the jury trial may be demanding. To do otherwise, perhaps, would evolve into a 'political football' — it's just possible, it is unknown at this time whether it would be or not. But it would seem at this time that the Supreme Court, by virtue of the fact that they deal in this on a daily basis, that they are much more aware of values in regards to lawsuits, than is the Legislature which consists mostly of laymen rather than people who deal in legal matters — not that the Legislature does not have great wisdom, because it does, it is just that it's a feeling that the Supreme Court, in this particular matter, perhaps, would be one to determine the amount. So, it's not a question of the Legislature giving up any power, because, in fact, the Legislature never did have the power to determine the amount it has always been by constitutional amendment, and as we have seen, historically the amounts have been changed several times now are at the amount of \$500. I would like to point out to you, first of all, that this measure did pass the House almost unanimously there were only a few dissenting votes, it is our opinion that, still, this would be the best procedure by adopting this.

Sen. FERDINANDO: Sen. Bossie, do I understand correctly that under the existing law, the person has recourse to the Legislature? Am I to understand you that this is correct?

Sen. BOSSIE: No.

Sen. FERDINANDO: I guess I am not understanding properly. Then, if they are not happy with the Legislature profits, they can go to the Supreme Court — you are bypassing Legislature, is that correct?

Sen. BOSSIE: Sen. Ferdinando, this has nothing to do with the Legislature. Right now, the Constitution provided the amount in controversy over which a person can demand a trial by jury — it has nothing to do with the Legislature or the Supreme Court at the present time, only the Constitution dictates the amount. Now it's \$500 so if one has a lawsuit value of \$1,000 he may demand a trial by jury. If it's a lawsuit for \$200, he may not demand a trial by jury. He is not entitled to a trial by jury. In all cases, the plaintiffs and defendants may waive trials by jury, so this setting up another procedure, rather than having — in the whole context of this constitutional amendment would be to provide a different method by which this amount is determined rather than coming to the legislature, going to the legislature every seven years to raise the amount because of the fact that \$500 twenty years ago certainly is not \$500 today.

Sen. SANBORN: Sen. Bossie, don't I get the idea from the laws that any citizen has the right of a trial by jury?

Sen. BOSSIE: In a criminal trial they do and in a civil trial it's only in matters of about \$500 they have a right to a trial.

Sen. SANBORN: In other words, I may be suing you for \$500 or it might be less, and it is not the amount that I am interested in, but a certain principle that I want decided by the jury, under this, is that you or if the Supreme Court or whatever it is sets this at 1,000 or 10,000 dollars, I can't sue you by jury — I want the jury to decide a matter of principle not so much the matter of money. I still can't demand a jury trial, is that true?

Sen. BOSSIE: Correct. Under \$500 you could not.

Sen. SANBORN: Not even for a matter of principle I could not do it.

Sen. BOSSIE: Well a matter of principle may be a matter of law at the same time and therefore the trier of the facts would

have to also observe the matter of law and the law as I refer to it by the Court, so I don't believe that this in any manner would be an objection, frankly Senator, because I do think that whether it is by the Court or by a jury, the principle will be upheld.

Sen. JACOBSON: Senator, in your discourse, you spoke about the proposal I believe, that was originally talked of by Sen. Trowbridge who, unfortunately, is not here today and further talked on by Sen. Downing. Now, it was my understanding that their intention was that the people have a more direct access to the Legislature than they do to the Judiciary and could, if they so desired, plead with the Legislature as it says in the Constitution, to bring their public grievances before the Legislature to change it, whereas with respect to the Judiciary, they do have that kind of direct access. Now, is it better to have indirect access in this situation or direct access, that is my question.

Sen. BOSSIE: It is obvious from your question that I'd have to answer if I was to substantiate this report and I believe that the Supreme Court would be the best one. I think that they would be required to have a public hearing and they could change it subsequent to their hearing and their report so that I don't believe that it's really that much of a question, I think that the access will be there, and they are not very political matters and I think that they are aware of the values — they have to live day by day as well as the rest of us. I don't think that this would be a problem.

Adopted.

SB 22

to require notice to heirs and heirs-at-law in all cases where an estate is solvent and to provide to an interested party a right to demand a jury trial in Superior Court in contested probate cases any time before the first witness is sworn in a probate court proceeding. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: Madam President, the explanation of the Committee's thinking on this bill is printed in the Journal and simply to paraphrase a little of it, the testimony was pretty uniform that the existing procedures in this area satisfactorily pro-

tect the parties involved, the only person testifying in favor of it was the sponsor. The probate judges who are mostly concerned with this went on record through a Representative so that being opposed to it, in giving due regard to the sponsor to this bill, I believe that this bill is drafted far beyond what its original intent was and none seemed able to retrieve the good intent that was involved in the idea. The bill written is not a good one and the Committee thinks that it ought to be killed.

Adopted.

SPECIAL ORDER OF BUSINESS AT 1:01

SB 35

prohibiting the placing of razor blades or harmful substances in Halloween food or drink. Ought to pass. Sen. McLaughlin for the Committee.

Sen. BRADLEY: I move that SB 35 be made a Special Order of Business for 1:02 next Wednesday.

Adopted.

SPECIAL ORDER OF BUSINESS FOR 1:02

HB 46

relative to the mode of hunting deer in the town of Chester. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Madam Chairman, HB 46 eliminates the shooting of deer from the town of Chester by buckshot. There are approximately fifteen towns in Rockingham County where deer can be shot with a shotgun only, rifles are not allowed down there, bow and arrows. In the town of Chester there has been an awful lot of deer found dead that was shot with buckshot and a hunter did not follow the deer or did not catch up with him to claim him. The people became quite disturbed in the town of Chester over this and they petitioned their Rep. Benton to put before the Town by means of an Article of the Town Warrant to petition him to present this bill before the Legislature, and I move the adoption.

Sen. JACOBSON: I believe that in your statement that you said that fifteen towns approximately fifteen, which allow rifles and allow shotguns.

Sen. BROWN: True.

Sen. JACOBSON: Does each of these towns have a separate size of shot or do they all have the same size of shot?

Sen. BROWN: The same law prevails in all fifteen towns.

Sen. JACOBSON: As I understand, this bill will increase the size of shot in the town of Chester.

Sen. BROWN: I'm sorry, Sen. Jacobson, they can only shoot a shotgun with a ball, a lead ball, no rounds of buckshot, just one single ball and it is large enough.

Sen. JACOBSON: And this will increase the size of the ball.

Sen. BROWN: The ball itself, there is only one the ball is made up of numerous pellets, the ball would be just one shell.

Sen. JACOBSON: Now really what I'm curious about is, are the deer that live in Chester more resistant to the ball than are the deer that live in the other approximately fourteen towns.

Sen. BROWN: What it does is, when this ball penetrates the deer it would be large enough to kill the deer instantly so that they won't run away with what we call "paunch shot" with buckshot.

Sen. SANBORN: I have received a letter from Rep. Benton which I feel should be read into the record for purposes of clarifying.

COMMUNICATIONS

February 23, 1973

Dear Bill,

To ask your support of HB 46 which is due to come up as a "special order" at 1:02 on Tuesday 27th Feb.

HB 46 pertains to only one town, Chester, and is a prime example of "home rule," in that the people of Chester, at Town Meeting, voted that they wanted deer to be taken in Chester only by means of a "shotgun loaded with a ball or slug, or by bow and arrow." They no longer wanted deer to be taken with a "shotgun loaded with buckshot."

Attached hereto is a copy of the items in the town warrant for the 72 town meeting, on which the town voted unanimously to accept. Also a little sketch to show the location of Chester in regards to the other towns where buckshot may be used, and in regards to the closeness to Massachusetts via Interstate 93, from where we get a good number of non-resident hunters.

There has been no opposition up till now on the bill, the state fish & game dept. has testified in favor of the bill, and I know that the people of Chester would be most disappointed if their request for "home rule" were to be dis-allowed by their legislature.

Your support of HB 46 would be most appreciated by the people of Chester, and by the undersigned.

Sincerely,
Rep. Col. Richardson D. Benton

COMMUNICATIONS

Sept. 19, 1972
Chester, N. H.

This is to certify that at the Town Meeting held in Steven's Memorial Hall, March 8, 1972.

ARTICLE 29: in the TOWN WARRANT, WHICH READS:

To see if the Town will vote to direct our Representative to the State Legislature on amending RSA 208:3, so that the name of the Town of Chester, N.H. will be deleted from the listing of Towns where Wild Deer may be taken by shotgun with either Ball or Buckshot (By Petition). PASSED AS PRINTED.

ARTICLE 30: in the TOWN WARRANT, WHICH READS:

To see if the Town will vote to direct our Representative to the State Legislature to enact a new Statute RSA 208:3A so that in the Town of Chester, N.H. Wild Deer may be taken only with a Shotgun loaded with a Ball or Slug. (By Petition). PASSED AS PRINTED.

Ruth M. Richardson
Town Clerk

Sen. SANBORN: Madam President, on reading this, I see that what the town of Chester wants and is noted by Sen. Brown,

instead of the buckshot which begins to spread immediately after leaving the muzzle of the gun and could in fact wound a deer not sufficiently to knock it down, but to allow it to still run if only using the single projectile of a ball or a slug. You either hit the deer or you miss it and there is no wounding it and letting it go on, so I am in favor of the bill after reading Rep. Benton's letter.

Sen. LAMONTAGNE: Madam Chairman, I rise in support of the bill. Since then I have had an opportunity of reading up and finding out about it and seeing that it does not effect a split season — at the same time, I feel that as a request has been made by the town that is a satisfactory one — by using the type of shell that Sen. Sanborn explained — I am in favor of the bill.

Sen. BLAISDELL: Madam President, as Chairman of the "fun committee" in the Senate, I rise in support of this motion and out of deep respect of Rep. Benton I would hope that you would pass this bill.

Sen. JACOBSON: Sen. Brown, now, as I understand it, at this point, in the other approximate fourteen towns they will be using buckshot. Now, how will the town of Chester know whether a deer was shot by buckshot in the adjoining town and runs into Chester and dies there from subsequent wounds. Will they know the difference between that and an illegal hunter who is using buckshot?

Sen. BROWN: No, if this happens in the middle of the woods Senator, if he shoots it in another town and it runs across the border into Chester and dies and if he is seen by the conservation officer, I think the conservation officer is reasonable enough to realize that this could happen. And I question the Fish and Game Department in relation to the boundaries and a hunter in the woods, whether a hunter in the woods could tell the boundaries. These lines are marked every two years either by the selectmen or others and they do this with a can of paint and if he does go over the line without seeing it and the Conservation Officer will be quite reasonable to a point, but it would be possible for him to go over and arrest him.

Adopted. Ordered to third reading.

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late

session to be the business in order at the present time, that a bill be read by title only, and that when we adjourn we adjourn until tomorrow at 11:00 a.m. in Portsmouth.

LATE SESSION

Third reading and final passage

HB 46, relative to the mode of hunting deer in the town of Chester.

Adopted.

Sen. Preston moved the Senate adjourn at 2:25 p.m.

Thursday, 1Mar73

The Senate met at 11:00 a.m. in Portsmouth, N. H.

(Sen. Spanos in the Chair)

A quorum was present.

Introduction of Mayor Arthur Brady by Vice President Spanos.

Mayor Brady: Good morning Senators and Students and thank you very much for coming out here today. I would like to congratulate Sen. David Nixon for putting into practice the concept of going around the State with the Senate Sessions. Thank you from the City of Portsmouth. There has been three other meetings, one in New Boston, in Nashua and Newport and Portsmouth is proud to have the opportunity to listen to your remarks today. I would now like to call upon Mr. Graham Alvori, Assistant Minister, North Congregational Church and guidance counselor for Portsmouth High School to lead us in prayer.

Prayer was offered by guest Chaplain-Interim Asst. Minister Graham Alvord North Congregational Church.

O God of Almighty Truth, we thank Thee this day for growth, for learning for the joy of helping and being helped. We thank Thee for the gift of settled communities, for traditions

of fruitful service, for the commitment of conscience to the needs of Thy children.

Deliver us, O God, from weariness of spirit, from self-concern, from complacency.

Give us pride only in serving Thee, in helping to bring Thy truth to the poor, Thy gift of healing to the broken-hearted, Thy gift of sight to the blind, Thy gift of a new liberty to them that are bruised.

Be with us, Lord; in our thinking, in our feeling, in our searching and reasoning together.

Strengthen us with the spirit of the great teacher, even Jesus Christ, our Master. We pray in the name of the Father, Son and Holy Spirit.

Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Miss Janice Lee, President of the National Honor Society.

Introduction of Leon Anderson, Legislative Historian.

Mr. Anderson: This is an historic occasion, for this is a first time that a New Hampshire legislative session has been held in Portsmouth in 168 years, or since 1805. This audience of some 800, mostly juniors and seniors of Portsmouth High, is certainly the largest audience in all history to see a New Hampshire Senate in official action.

This meeting of the State Senate is in direct tribute to Portsmouth and its historic heritage. This 1973 State Senate has broken with tradition to hold weekly sessions throughout the state, to help celebrate New Hampshire's 350th anniversary of its first settlement in Portsmouth in the spring of 1623.

The story of how New Hampshire was born and bred in the Portsmouth area is replete with fascination. It will be unfolded in the coming months as this city celebrates its 350th anniversary along with that of the state, even as it was for the Tercentenary in 1923 and the 250th anniversary in 1873.

Our New Hampshire Legislature was born in Portsmouth in 1680. It comprised but 11 men from the only four towns,

Portsmouth, Dover, Exeter and Hampton. The Legislature always met in Portsmouth until 1775 when the Revolutionary War erupted and was moved to Exeter to escape possible British sea attack.

After the war for freedom was won the Legislature moved about the state. Its final Portsmouth session was in 1805 before settling permanently in Concord in 1807.

This State Senate was created in 1784, when our present state constitution took form. Prior to that, the upper branch of the Legislature was called a Council, first appointed by royal governors, and then by the lower branch of the Legislature. From its beginning, this Senate has been elected by the people. Its purpose has ever been to serve as a watchdog, and provide checks and balances to the other, older half of the Legislature.

The Senate's first President was Woodbury Langdon of Portsmouth and his is the only portrait which still graces the handsome Senate Chamber in the State House at Concord. Portsmouth has boasted eight Senate presidents in the 190 years history of this body and the last was Charles M. Dale, who later become Governor and continues one of this city's esteemed citizens.

This Senate originally comprised but 12 members. It was doubled in size in 1879, to handle increasing state affairs. And it now should be upped to 30 or 36 members, because state business has become more complex and time-consuming that anyone could have even dreamed a century ago.

For example, this Senate has 14 permanent committees, each with from five to eight members, and the 24 Senators must fill these 80-odd appointments all at the same time. So one might suggest it almost requires a computer just to arrange committee hearings on hundreds of bills and resolutions, so that each Senator may attend as many as possible and miss as few as possible.

This visit of the State Senate to Portsmouth is also to pay homage to Senator Eileen Foley, long one of the Port City's most popular citizens. Mrs. Foley, former Mayor, will preside over part of today's deliberations, even as she used to guide your municipal affairs.

Senator Foley is now serving a fifth straight term in the

Senate and this is an all-time Portsmouth record. She is Democratic minority floor leader of the 1973 Senate and this is the highest rank any woman has ever attained in this body.

We also pay homage in closing to Senator Foley's mother, the late Mrs. Henry Dondero, who served Portsmouth as the nation's first mayor, along with several terms in the Legislature, and for whom Portsmouth's recently burned school was named. A new pamphlet history of the Senate can be obtained from your Senator, in each district.

Sen. DOWNING: I move that our Senate President, and for today Acting Governor, the Hon. David Nixon, introduce the Senators and Staff.

Adopted.

Introduction of Senators by Sen. Nixon.

Introduction of guests:

The Newcastle Selectmen, Hon. George "Zip" Pridham and Hon. Hugh Clarke.

The Portsmouth School Board, Mrs. Sandra Storz.

Former Dist 24 Senator, Arthur Reinhart.

Former Rep. Walter Jameson.

Former Sen. Ted Snell.

Former 24th district Sen. Rae Laraba is not here due to illness.

(Sen. Foley in the chair)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 255, permitting the employment in a school district of a learning disability teacher. Referred to Education.

HB 297, relative to the standardization of reports of state agencies and distribution of state publications. Referred to Executive Departments.

HB 304, prohibiting the publication of names of the elderly receiving an exemption from property taxes. Referred to Ways and Means.

HB 230, requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election to the same. Referred to Executive Departments.

HB 358, relative to overtime pay for nursing home employees. Referred to Public Health and Welfare.

HB 165, relative to granting of licenses for hawkers and peddlers. Referred to Judiciary.

HB 349, relative to census of persons as of April first. Referred to Executive Departments.

VACATE

Sen. PORTER: I move that HB 230 be vacated from Executive Departments Committee and referred to the Nashua Delegation.

Adopted.

HOUSE MESSAGES

HCR 3, memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war.

HCR 10, relative to commending President Richard M. Nixon for his successful effort in bringing the Vietnam war to an end.

The above were referred to the Committee on Resolutions.

HOUSE CONCURRENCE WITH SENATE

CONCURRENT RESOLUTION

SCR 1, memorializing Congress relative to changing the holiday dates of Memorial Day and Veterans Day.

HOUSE ADOPTION OF AMENDMENT ON ENROLLED BILLS

HB 90, relative to repealing the limit on horned pout.

COMMITTEE REPORTS

SB 28

relative to a bill of rights for mobile home park tenants. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, I believe that is correct for you to be called Mr., there is a brief synopsis of this bill on Page 26 of today's calendar for those who have a copy. This bill is one of the more significant ones that our committee has had this year. It attempts to enact a so-called bill of rights for people who live in mobile home parks. The committee received a great deal of testimony about the problems that people who live in mobile home parks have and are in many cases taken advantage of by the owner and operator of the park. Specifically what the bill does is to list some of the prohibitions which will become unlawful practices if this bill is passed. These prohibitions are as follows: first, the owner or operator is prohibited from charging entrance or brokerage fees except insofar as the fee is a reasonable compensation for the services actually rendered. The second prohibition is quite similar except we are dealing with such entrance fees or brokerage fees which are charged when someone leaves the mobile home park. Again such fees could be actually charged for services actually rendered so that this bill is not going to prevent the owner or mobile home operator who does put money into his park, who does provide services from charging a reasonable fee for such services but it does prevent charging such fees when there is no relationship to any service that he has performed or put into the park. Third of all it is to prohibit owners or operators of parks to require a tenant to purchase goods or services from any particular person. A practice which is apparently very common in some of these parks and are probably covered under other laws such as anti-trust laws. The fourth prohibits the owner from preventing any person or company from selling to or delivering to or otherwise supplying and servicing any tenant with his or its goods or services, or making any charge or requesting any fee from any such person or company for such activities. Fifthly it prevents the owner or operator in a mobile home park from requiring a tenant to purchase a mobile home from any particular person unless such person owns the mobile home park in which such space is sought and finally it will prevent an owner or operator from evicting any person for making a complaint under this

act. The penalty is provided that any police department or the attorney general's office may bring an action under this chapter and these violations are declared to be violations of Consumer Protection and the Unfair Trade Practice Act and the Attorney General may bring an action under this. There was virtually no opposition to the bill in our hearing. The committee was unanimous in its recommendation of Ought to Pass.

Sen. JACOBSON: Sen. Bradley in 205-A, page 2, III I noticed two factors, one is paving, and the other is snowplowing which under this statute they would not be required to pay. Now for example, if I lived in a house in a municipality, I would be obliged to pay for plowing and paving my own driveway. In this case, would the mobile homeowner be required to pay for the paving and for the snowplowing?

Sen. BRADLEY: No, I think you misconstrue what that section is doing. This is a section that prohibits an owner or operator from requiring a person living in a mobile home to purchase a paving service from any particular person who paves.

Sen. JACOBSON: I guess I don't understand the difference?

Sen. BRADLEY: This section only applies when the person living in the mobile home wants to go out and purchase a service such as those listed, if he wants to buy fuel oil or any of those that are listed that he has the right to go out and choose who he wants to provide that service.

Sen. JACOBSON: My question is whether the question of paving and snowplowing could be misconstrued and the owner of the mobile park would be put in a position of having to pay for these services without any compensation thereof.

Sen. BRADLEY: I don't think that that is the correct interpretation. However, I think I see your point.

Sen. JACOBSON: How would a distinguished lawyer like yourself determine what would be a reasonable charge in relation to the services rendered?

Sen. BRADLEY: That is a statement that cannot be answered in the abstract, however, I feel that they would have to be handled on a case by case basis.

Adopted. Ordered to third reading.

SB 57

lowering the age of majority to eighteen. Ought to pass with amendment. Sen. Porter for the Committee.

Sen. PORTER: SB 57 changes the age of majority from 21 to eighteen in all instances. The amendment on page 34 of the Calendar may be considered a technical one in that it adds the common law provision to Senate Bill 57 which was inadvertently omitted.

First, some background on Senate Bill 57. It was introduced by Senators Bradley, Spanos, Nixon, and myself. In 1971, Senator Leonard and I first introduced SB 232 lowering the age of majority. This body passed that bill unanimously in 1971, however, it was defeated in the House. Last year I introduced Senate Bill 21 (an appropriate number) Senate Bill 21 was also passed by this Senate however, the House refused to allow its passage and I now feel that it was a proper move.

It was decided to thoroughly review the impact of changing the age of majority thus, New Hampshire led the way by careful review and change of law. Thus, this review was made and you have been given a report by this Committee chaired by Senator David H. Bradley who was then Rep. Bradley and Senate Bill 57 is the result. I should like to quote the last paragraph of the report. The committee wishes to point out the idea of lowering the age of majority to 18 is not the property of any particular administration, individual or party. It is a change which has been urged by both the former and present governors and by many individuals and groups in and out of the Legislature of both parties. Finally, as you know, my son has been assisting me in the Senate. He is just 54 days short of being 18 and I requested he write up my committee report. This is what he would say if he were here. "I am very pleased to present SB 57 which solidifies our stance towards those young men and women who have recently been given the right to vote."

No longer do we say that they are qualified to vote for the President of the United States, and mature enough to go to battle, yet not able to decide when they are ready to marry or buy a car, or take a drink. With the passage of this bill we no longer play down the importance of their vote by withholding responsibilities of seemingly less importance. We also end the

contradicting view of the law with regards to the maturity of an 18 year old.

I would like to have a unanimous vote to show the trust that we hold in the 18, 19, and 20 year olds of the State of New Hampshire.

I urge your approval of this bill.

Sen. LAMONTAGNE: Sen. Porter, does not mean that the 18 year olds will now have to pay the residence tax?

Sen. PORTER: Yes Sir.

Sen. LAMONTAGNE: Does this mean that 18 year olds will be able to sign their own contracts?

Sen. PORTER: Yes.

Sen. LAMONTAGNE: Does this mean that the drinking privilege will be lowered to 18?

Sen. PORTER: Yes it does.

Sen. BLAISDELL: I rise in support of SB 57. The one gift that the good Lord has given me is my right to work with young people. I think this is needed legislation, I think these young people will cherish it and I ask your support of this bill.

Sen. BRADLEY: I rise in favor of the amendment and the bill as a whole. As Sen. Porter said, I was the chairman of the Study Committee on this bill and our job was to comb all the statutes and find all the various provisions that relate to the rights and responsibilities and duties etc. which turn on the age of something other than the age of eighteen, and we discovered that somewhere in excess of 1,000 statutes where the provisions are other than the age of eighteen, most of them are at age twenty-one but it is interesting to note that there are many of them that are at the age of nineteen and twenty and also there are many provisions in the law already that are at the age of eighteen, for specific purposes where a person gains the same rights as an adult at the age of eighteen. We have to realize that when we make this change not only giving them the rights and privileges of an adult it is also imposing upon them the same duties and responsibilities that people over twenty-one now have. In technical terms this bill makes a change in the age of majority in three different ways. First it actually changes in each

section of the statute where it says age twenty-one to eighteen. Secondly, there will be many statutes that don't infer or use the age twenty-one and defining those terms to mean an adult, legal age, age of majority, full age, lawful age, or other terms that mean a person is a legal adult to mean a person eighteen. Thirdly, we are changing the law that is made by the courts the so called "common law" and it has been a common law rule, irrespective of the statutes that we have had, the courts have often ruled for many purposes the age of majority is twenty-one, and that is now being abrogated by this law. Our committee after a lot of deliberation on the merit of this change voted without one dissenting vote to make the change for all purposes and not to make any exceptions.

There were many many provisions that we looked at where one might say do we really want to make this change, because none of us think perhaps about eighteen year olds doing some of the things that they will now be legally entitled such as being Justices of the Peace and having the power to marry people and so on. We went through many of these and we decided finally that we would make no exceptions, that we should do this wholesale across the board.

Sen. JACOBSON: Sen. Bradley, you say that virtually all of the statutes will be amended, does that mean that some of the statutes are not going to be changed?

Sen. BRADLEY: It was our understanding to revise them all however we being human people we were afraid that there might be some that we have missed so I think that the word virtually crept in there only as a word of caution. If such a section does turn up, it would be my understanding it should be included in the bill.

Sen. LAMONTAGNE: I know that in appearing before the Senate and before many of these young people that are here today, but in the nineteen years that I have been in the Senate, I have always been able to stand on my own two feet and speak according to what I think is right. And therefore, at this time, I am speaking in opposition of Senate Bill 57 the reason why is that we know we have a problem with the nineteen and twenty year olds as far as drinking and by lowering the age to eighteen, it means we will now be facing problems with fifteen and sixteen year olds and at the same time, the reason why I am going

to oppose this bill, and look how thick this bill is, and I personally feel there is great importance in this bill here and I want to know more about it. So therefore I am going to vote in opposition to it.

Sen. Green moved that SB 57 be made a Special Order of Business for next Wednesday, March 7th at 1:03.

Sen. GREEN: I want to commend Senators Bradley, Spanos and Nixon, however, I think there are things we should look at and study. I do not want this to be construed in opposition or in favor of it, however, I think it would be advisable for the Senators here before we actually take a vote on the issue.

Sen. DOWNING: I rise in support of this bill and I would like to see it passed today, and I would caution those who feel the same way — to think twice before they cast their vote against the motion. I have only been in the Senate, well this is only my second term, but I have yet to see a special order of business be denied by the Senate and although the temptation may be to act on this bill, under these circumstances, I think the senatorial courtesy is very much worth protecting and it is very important at this time — this is what you're talking about — you are not talking about the merits of the bill, you are talking about senatorial courtesy and I urge you to support the motion.

Sen. LAMONTAGNE: Requested a roll call vote, seconded by Sen. Blaisdell.

Yeas, Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson, Spanos, Blaisdell, Porter, McLaughlin, R. Smith, Ferdinando, Provost, Brown, Bossie, Johnson, Downing, Preston.

Nays, Sanborn.

19 Yeas, 1 Nay.

Adopted.

SB 45

increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: The Judiciary Committee upon hearing Senate Bill 45 recommends its adoption. At the present time an aggrieved citizen who seeks Workmen's Compensation benefits first applies to the Office of Employment Security of the State of New Hampshire. If his claim is denied, then he has a right to an appeal to an Employment Security Appeals Tribunal. If they also deny his claim, then he must within ten days from the date of notification of the decision of the Tribunal file an appeal with the Superior Court of the jurisdiction in which he resides or is employed. From the testimony of witnesses at our hearing it was concluded that this often works a hardship on claimants for they are often unaware of the limited appeal period.

By extending the time of appeal from ten to thirty days, the Legislature would in effect be making the laws of the State of New Hampshire more uniform and consistent. It should be noted that the rules of the Superior Court of the State of New Hampshire gives at least a thirty day period during which time plaintiffs and defendants may act in any given matter.

Adopted. Ordered to third reading.

SB 46

relative to disqualification of certain officials in the city of Manchester for employment by the city. Ought to pass with amendment. Sen. Bossie for the Committee.

AMENDMENT

Amend Section 1 of the bill by striking out the same and inserting in place thereof, the following:

1 Incompatibility of Offices. No elected alderman or school board member of the city of Manchester shall be employed during the term for which he is elected by any department, board or commission of the city in any other capacity or in any other position of employment by the city, with compensation.

Sen. BOSSIE: The Manchester Delegation to the State Senate unanimously concurs that Senate Bill 46 ought to pass with an amendment.

This bill simply provides that the voters of the City of Manchester at the October, 1973 Primary Election shall vote by referendum as to whether members of the Board of Aldermen or School Committee of the City of Manchester shall be ineligi-

ble for other employment paying compensation by said city during the term of office for which they were elected.

The object of the bill is commendable for it would deny an elected city official from using the position to which he was elected for personal gain and at a distinct advantage over other citizens. Employment by the City of Manchester is a privilege and not a right. No Alderman or School Board member by virtue of the fact that he has gained an elected position should be able to use that position for self-serving purposes.

Sen. BRADLEY: Sen. Bossie, I am hesitant to question the City of Manchester matters and I'm not really concerned with the particular merits of this bill may be, but only where its general principles are involved and I have several questions in that regard. First of all, is this in fact an amendment to the Manchester City Charter?

Sen. BOSSIE: No, it is not, Sen. Bradley, this just permits the City of Manchester to hold a referendum to show whether city elected officials should be allowed to be employed by the city.

Sen. BRADLEY: Can you tell us whether this type of provision is now in effect in most cities of the State?

Sen. BOSSIE: I would have no idea.

RECESS

OUT OF RECESS

Adopted. Ordered to third reading.

HB 103

to provide for the disposition of abandoned aircraft. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: I had actually wished that HB 217 had been taken up first because it deals with junk vehicles, and this deals with junk airplanes and parts of airplanes. It simply gives the owner of a privately owned airfield or a municipally owned airfield the right to proceed to remove abandoned aircraft and aircraft components, sell if unclaimed, and disposition of proceeds to cover liens, expenses, balance to owner, if unclaimed to the general fund. We recommend the passage of this bill.

Sen. BRADLEY: I noticed that in section 5 of page 2 that before an abandoned aircraft is sold there must be a notice to the Director of Aeronautics. Is he directed to find the owner?

Sen. POULSEN: That is correct Senator.

Sen. MCLAUGHLIN: Isn't there an amendment that changes the length of time before an aircraft is considered abandoned to three years?

Sen. POULSEN: I believe the House added that amendment, that is correct.

RECESS

OUT OF RECESS

Adopted. Ordered to third reading.

HB 104

relative to changing the structure for determining aircraft registration fees. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: I move the adoption of the committee report — First of all this bill changes the fee structure for state registration of aircraft, in that one cent per pound of the gross weight plus the number of mills per dollar of the manufacturer's list price as indicated by the stated formula, is in lieu of the existing statute which provides the one cent per pound of gross weight plus fifteen dollars or the number of mills per dollar of the manufacturer's list price, whichever is greater.

The bill further provides that all manufacturers' list prices shall be deemed to be the multiple of one thousand dollars closest to the manufacturer's list price.

Sen. PORTER: Sen. Sanborn, could you give us an idea of how much money is generated for the General Fund in registrations?

Sen. SANBORN: I don't have the answer.

Adopted. Ordered to third reading.

HB 131

relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill was introduced by Rep. Maynard of Portsmouth relative to the penalty for violation of rules and regulations relative to obtaining lobsters, crabs and fin fish. The purpose of this penalty, strongly endorsed by the Fish and Game Department is to put more teeth into the law in the taking of lobsters so that the fines would be stable resulting in \$50.00 fines for example for the taking of each lobster so that it will be a step forward in preserving and protecting these shelled fin fish and give the Fish and Game Department more specific authority under the law.

Sen. FERDINANDO: If I were living at Hampton Beach and I found a lobster and picked it up, would I be fined \$50.00 for going out and picking it up?

Sen. PRESTON: Yes, if you picked it up without a license you could be fined.

Adopted. Ordered to third reading.

RECESS

OUT OF RECESS

HB 143

relative to the form of fish and game licenses. Ought to pass. Sen. Preston for the Committee.

Sen. BROWN: Mr. President, HB 143 is a House Bill to increase the efficiency of the fish and game licensing. It adds two words, including affidavits, to fish and game licenses under the present form in the issuance of licenses to non-residents.

Sen. BOSSIE: I move that HB 143 be made a Special Order of business for Wednesday March 7, at 1:04.

Adopted.

HB 200

relative to right of entry upon lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill was sponsored by Rep. Kidder of Merrimack. It allowed entry upon land by forest fire personnel in the performance of their duties. In the past there had been effective opposition by land owners in this State against

alleged trespassing in the performance of their duties fighting fires. In some sections of the State and in a state forest for example the state has had fifteen hundred unauthorized fires so this would, once more put more teeth into the laws of the fire protection agency.

Sen. POULSEN: I rise in support of this bill, I am a Deputy Forest Fire Warden and also a warden in the White Mountain National Park. This procedure is necessary in the case of an emergency.

Adopted. Ordered to third reading.

HB 217

relative to removal of junked vehicles along federal-aid highways. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: HB 217 authorizes the commissioner of public works and highways to collect and dispose of individual junked motor vehicles from lands adjacent to and in view of any federal aid highway in the state, provided that owners agree to such collection and further agree that in the future no other junked vehicles will be placed in view of the traveled way. This bill is contingent on federal funds becoming available for this purpose.

Adopted. Ordered to third reading.

SB 13

increasing sick leave benefits for certain fish and game employees. Ought to pass with amendment. Sen. Downing for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to conservation officer Warren Jenkins.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Continuation of Employment. Notwithstanding any other provision of law to the contrary, Warren Jenkins of Errol, New Hampshire shall continue to receive his current salary as an employee of the Fish and Game Department until such time

as the said Warren Jenkins is able to return to active service with the Fish and Game Department or until the end of the current biennium, whichever event shall occur first. During this period no further annual or sick leave shall be accrued or enure to the benefit of Warren Jenkins but he shall be entitled to all other rights and benefits as a classified employee. Nothing in this act shall be construed to prevent the employment of Warren Jenkins by the Fish and Game Department in a capacity other than that of conservation officer nor shall the act be construed to require the termination of employment of Warren Jenkins at any particular time.

2 Effective Date. This act shall take effect March 23, 1973.

Sen. DOWNING: Mr. President I move the adoption of the amendment. The amendment is published on page 33 of today's calendar. This amendment in effect completely strikes out the original bill. It provides for wounded conservation officer Warren Jenkins. On the desk of each Senator is a copy of the communication to Sen. Gardner along with the current medical report. I will yield at this time to Sen. Gardner.

Sen. GARDNER: Mr. President and Members of the Senate: Most of you are aware that Warren Jenkins of Errol, N. H. the conservation officer who was wounded on Nov. 12, 1972 has been in the Littleton Hospital ever since. From the doctor's report, it is indicated that he must remain there for quite some time to come. On March 23, 1973 his sick time and annual leave will expire. After this he will receive workmen's compensation payments only. These will amount to half his pay. At present his bi-weekly salary while on sick and annual leave is \$368.05. When his sick time and annual leave expire he will be entitled to workmen's compensation only. This will reduce his bi-weekly income to one half of \$184.00.

His injury following a 30-06 bullet wound to the left thigh, caused severe hemorrhage requiring many transfusions. Although the hemorrhage was controlled he suffered severe shock. He has been treated for phlebitis and a skin graft of 64 square inches was performed to resurface the wound of the anterior thigh. Fracture of the neck of the femur (the thigh bone) made extensive bed rest necessary for the healing of the soft tissues of the thigh.

When Mr. Jenkins thigh was stable enough, the patient was taken back to the operating room on Feb. 21st and the bullet was extracted. Because of prolonged treatment following the operation it is difficult to predict the length of time required for recovery. It has been anticipated that after he has gained muscle control strength and motion in the knee and hip an additional twelve weeks will be needed before weight can be borne on the left leg. It is also anticipated that a period of six to eight months of intensive physio-therapy will be necessary to get maximum return of function in this left leg.

Because of Mr. Jenkins excellent spirit and determination it is hoped he can return to duty in some capacity.

I feel this is the least that can be done for this twenty-nine year old dedicated conservation officer to compensate in a small way the physical pain and mental strain he has borne performing the duties required of him. I hope the Senate will pass this bill today so that it can be considered by the House where I am sure it will be acted upon promptly and his salary will continue without interruption. Thank you.

Sen. POULSEN: I have visited Warren Jenkins in the hospital. I would just like to report that his spirit is excellent. His thinking is in terms of how soon he can get back to work. He talked of jobs he could do before his leg is better. He talked of trolling on the river, Sen. Lamontagne will know of what I am speaking, his ambition is good, everything is good about him but his leg is shot up. The meat that goes around the bone is missing and this has got to grow back, that's the way I understand it and it is going to take a long time. I urge that this bill will be passed, not only for the money it would give him but the courage it would give him.

Sen. BOSSIE: Sen. Poulsen, are you aware of any similar law that would do the same or give the same to members or employees of our State Police department?

Sen. DOWNING: I believe at this point that what you just mentioned was brought out and I think that rather than to get involved in it, this was to be treated as one unit, and the other will be covered in another bill.

Sen. BOSSIE: It would appear to me that the proper way to go about something of this nature would be to give equal

benefits to all of our state employees who are in a capacity, or subject to certain injuries due to gun shot. It seems it would be only fair, and I am sure that the State Police would be in here if we do not offer this to them.

Sen. DOWNING: In response to Sen. Bossie, there is legislation in the works now to cover more employees generally and this is going to require a statutory change, a change in policy in the State. The urgency of the one that is before us is such that it should be handled separately, although the original bill SB 13 did include other individuals with wider provisions — this did get bogged down in committee with testimony and it is being handled generally for employees in a high risk situation to better protect them. This legislation would have probably been covered in an SJR rather than a bill. This bill deals with only one individual, it is very urgent, and I urge your support.

Sen. LAMONTAGNE: Madam Chairman, I would like to speak on the bill, we have had similar bills before for other employees who have been wounded, personally I do not want to hold back SB 13. I would like to see SB 13 passed today. I would like to add some comments in hoping that by the time it gets into the House that the opportunity will be a chance to check over the proposed workmen's compensation. Now in 1971 we had agreed to the benefits of the workmen's compensation to \$90 for anyone who gets injured. But personally I can't see why state employees cannot be included into the law that's upon the books that a person who gets injured gets paid \$90 per week. It doesn't seem reasonable that a state employee gets half of his pay. Personally, I feel that this is incorrect and I think that it ought to be looked into. But in the meantime I don't think we should hold back on this bill because there is plenty of time for this to be looked into. I hope that you will all vote for this bill today.

Sen. GARDNER: You are aware that these conservation officers get paid bi-weekly.

Sen. LAMONTAGNE: Senator I am well aware but as far as I am concerned an employee who is injured, regardless should be receiving the same as what we now have on the law and that is \$90 per week for a person who gets hurt.

Sen. MCLAUGHLIN: I think you are wrong Sen. Lamontagne, under workmen's compensation they are getting that

amount now and a little bit more. It is \$184 bi-weekly now which would be \$92. I am in favor of Senate Bill 13.

Adopted.

Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:01

SB 16

prohibiting a split deer hunting season. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Madam President, members of the Senate, as you know it is my motion on the floor now to indefinitely postpone. We did take this bill back into committee with the papers that Sen. Lamontagne gave to us with the added testimony, it was a vote of the committee that this bill be still ruled inexpedient to legislate so I now move that this bill be indefinitely postponed.

Sen. S. Smith moved that SB 16, be made a Special Order of Business at 1:05 on Wednesday next.

Sen. S. SMITH: I do this Mr. President, because there are two Senators who have indicated a strong interest in this bill who are not present. I think this bill has passed through long debate and I hope that the Senate will go along with the motion.

Adopted.

PERSONAL PRIVILEGE

Sen. SANBORN: Mr. President, I want all to understand my no vote on making SB 57 a special order for Wednesday next. I believe that I understand the meaning of Senate courtesy and believe firmly that the courtesy should be extended whenever possible. However, it appears to me as an old farmer from the sticks that so far, this session, whenever we have had any bill that anyone questions immediately we make it a special order for a later date — for example, we now have 5 special orders for Wednesday next. I keep hearing from my seniors here in the Senate that in May and June we can expect the “big crunch” of bills — accordingly, if we maintain this present schedule of making special order for next humpty-dump, by June we will be working half the night to get ahead of the special orders let alone the regular business that may come before us.

I understand that from 3 to 4 years of study has been put into this bill in different forms. There have been public hearings on Senate Bill 57.

I, as a country boy, can understand this bill and believe that it should be passed as soon as possible.

PERSONAL PRIVILEGE

Sen. SPANOS: Mr. President, I would like to explain my vote on "lowering the age of majority to eighteen" as it relates to making this bill a special order as we did in the name of "senatorial courtesy."

I think that it is most important that we should differentiate between a request by a Senator in order to delay the consideration of a bill as a parliamentary strategic move and the request of a Senator who wants more time to study and evaluate the bill and to offer legitimate constructive input. There is a big difference in the two motives. We should be aware of the difference. "senatorial courtesy" is not sacrosanct and we should not permit the abuse of the privilege.

I support Sen. Green's motion because I believe that it was a genuine motion designed to gather additional information before making a decision.

But I am serving notice now that I will not support any motion under the guise of Senatorial courtesy if even I feel it is a dilatory parliamentary tactic and I expect this body to respond to any such request of mine in the same manner.

PERSONAL PRIVILEGE

Sen. JACOBSON: I would like to register my personal objection to debating a bill that has already been put over to Wednesday.

COMMUNICATIONS

March 1, 1973

This is to inform the membership of this body that yesterday afternoon — February 28 — The President of the Senate and The Speaker of the House forwarded a letter to The Honorable Russell F. Merriman, Federal Co-Chairman, New

England Regional Commission informing him that the two Presiding Officers of the New Hampshire General Court have requested cancellation of the Grant Agreement between the Commission and the New Hampshire Legislature.

I wish to let you know also that a bipartisan leadership group is rapidly moving forward on a legislative management concept that is approaching final report form and will shortly be drafted into proposed legislation. Public hearings will be held as soon as possible on this important proposal.

I will have the Clerk read the letter to the New England Regional Commission in full.

David L. Nixon

President of the Senate

February 28, 1973

The Honorable Russell F. Merriman
Federal Co-Chairman
New England Regional Commission
55 Court Street
Boston, Massachusetts
Dear Mr. Merriman:

As the duly elected officers of the New Hampshire General Court, we are writing to request cancellation of the Grant Agreement between the New England Regional Commission and the New Hampshire legislature.

You will recall that this \$100,000 grant was made to assist in the implementation of certain recommendations contained in the "Study of Legislative Management Reform for the New Hampshire General Court" by Stewart Lamprey.

The Lamprey Report calls for a major and innovative effort to develop a planning and goal setting capability for the New Hampshire legislature — a capability which is indeed needed. The grant agreement with the Commission would have funded the management superstructure to support and direct a host of other reforms which were also recommended in the report.

However, the effectiveness of this improved management capability depended from the beginning upon a constitutional

change that would permit our legislature to meet in annual sessions instead of biennially which has previously been the case.

A constitutional amendment to permit annual sessions was on the ballot in November, but failed of passage. As a result, we are now nearly one-third of the way through the only regular legislative session that can be held prior to 1975.

For this reason, we have reached the conclusion that the scope of the project as previously outlined in the grant agreement is too ambitious for a legislature that can meet in regular session only every other year.

In short, we have concluded that although the need for improved management capability remains, implementation of the complete management superstructure recommended by Mr. Lamprey would be difficult to justify prior to public approval of annual sessions.

Instead, we have turned to many of the other excellent recommendations contained in the Lamprey study, and intend to suggest legislative reforms more adapted to our current situation.

These reforms, while vitally important, will bear little resemblance to the original agreement between the legislature and the commission. It is for this reason that we do not feel it appropriate to utilize the grant from the commission to implement them.

Please be assured that we remain most appreciative of your willingness to assist our General Court. We hope you will understand our conviction that because of constitutional limitations, we cannot in good conscience recommend that the legislature activate the grant agreement.

Sincerely yours,
James E. O'Neil
Speaker of the House
David L. Nixon
President of the Senate

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when

we adjourn we adjourn until Wednesday at 1:00 p.m. and with special thanks to Mayor Arthur Brady; Portsmouth Senior High School Principal, Tim Monahan for the use of facilities; Portsmouth Sr. High Social Studies Chairman, B. Brennan; Mr. Walter Stickles and his Custodial Staff; The Athletic Department, Mr. Donald Hinkle and students of the occupational Food Services Classes; Mr. William Kelley, Art Teacher; Mr. William Ellis, Security Officer, and in honor of Sen. Foley's mother, the late Mary Dondero and to the people of Portsmouth for this generous response and hospitality.

Adopted.

LATE SESSION

Third reading, and final passage

SB 28, relative to a bill of rights for mobile home park tenants.

SB 45, increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal.

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city.

HB 103, to provide for the disposition of abandoned aircraft.

HB 104, relative to changing the structure for determining aircraft registration fees.

HB 131, relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish.

HB 200, relative to right of entry upon lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same.

HB 217, relative to removal of junked vehicles along federal-aid highways.

SB 13, relative to conservation officer Warren Jenkins.

Adopted.

Sen. Gardner moved the Senate adjourn at 1:30 p.m.

Wednesday, 7Mar73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

May Thy merciful goodness shine upon us as we meet together this day.

Help us during this season of self-discipline, in order that we may obtain a new perspective and achieve the goals, which we have set for ourselves.

Hear our prayer, O Lord, and grant us the petitions which we place before Thee. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mrs. Maureen Peterson.

RECONSIDERATION

SB 28, relative to a bill of rights for mobile home park tenants. Requested by Sen. Jacobson.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 74, authorizing the position of special assistant county attorney to assist the county attorney, to speed up the disposition of criminal cases. (Nixon of Dist. 9 — To Judiciary.)

SB 75, adopting the uniform management of institutional funds act. (Nixon of Dist. 9 — To Judiciary.)

Sen. PORTER: Mr. President, the resolution that the clerk has that will be read to the Members is in honor of former State Senator Larabra from Portsmouth and I would like to allow the introduction of this resolution at this time. I should mention that Sen. Foley co-sponsored this resolution with myself and former Sen. Laraba is from Portsmouth District twenty-four.

RESOLUTION

Whereas, we have learned with deep regret of the death of Rae S. Laraba, former Senator from Portsmouth; and

Whereas, he served his community faithfully and efficiently while a State Senator for two terms and as a member of the N. H. House of Representatives; and

Whereas, Senator Laraba continuously demonstrated high moral character and dedication to his work as secretary to the N. H. Judicial Council, and secretary of the Administrative Committee of the district and municipal courts of the state for many years; and

Whereas, he was an honorary member of the N. H. Bar Association, an honorary member of the N. H. Association of Municipal and District Court Judges, and the recipient of an Honorary Master's Degree in Laws from the University of New Hampshire; and

Whereas, he was an active and loyal participant in civic affairs during his thirty-five years of residence in Portsmouth; therefore be it

Resolved, that we, the members of the N. H. Senate, do hereby extend our deepest sympathy to the family of Rae S. Laraba; and be it further

Resolved, that a copy of these resolutions be transmitted to his family to express such sympathy and to record this great loss to them, to us, and to the State of New Hampshire occasioned by his passing.

SUSPENSION OF RULES

Sen. Porter moved the rules of the Senate be so far suspended as to allow the introduction of an amendment to Senate Rule 27 at this time.

Sen. PORTER: Mr. President, the recommended amendment for Senate Rule No. 27 which is the Senate rule outlining the standing committees of the Senate provides the addition of three words after the rules and resolutions committee which calls for three members calling for the Senate President to be added or his designee and that is the simple addition on this amendment of this particular rule.

Sen. SPANOS: Mr. President, I think the records should show that the motion to amend was carried unanimously so that there would be no question about the application of the two-thirds rule.

Sen. NIXON: Thank you very much Sen. Spanos, and the record will be corrected and supplemented to correct that situation.

Adopted, unanimously.

AMENDMENT

Amend Senate Rule 27 by inserting after the words "Rules and Resolutions — three members, one member of which shall be the President" the following (or his designee) so that said rule as amended shall read as follows:

27. The standing committees of the Senate shall be as follows: Banks, Insurance and Claims — five members; Education — five members; Enrolled Bills — three members; Executive Departments, Municipal and County Governments — five members; Finance — eight members; Interstate Cooperation — three members; Journal — three members; Judiciary — eight members; Public Health, Welfare and State Institutions — five members; Public Works and Transportation — eight members; Recreation and Development — five members; Research, Staffing and Facilities — five members; Resources and Environmental Control — five members; Rules and Resolutions — three members, one member of which shall be the President or his designee; Ways and Means and Administrative Affairs — five members.

Adopted unanimously.

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 330, to provide a limit on the number of beaver an individual may take during an open season. Referred to Recreation and Development.

HB 269, relative to diseases characteristic of the occupation of firefighting. Referred to Public Health.

HB 271, providing that lump sum payments under workmen's compensation shall include reasonable attorney's fees. Referred to Judiciary.

RECESS

OUT OF RECESS

Introduction of Attorney General Warren Rudman to speak on the operation and responsibilities of the Office of the Attorney General.

Att. Gen. WARREN RUDMAN: Mr. President, honorable Members of the Senate, I want to thank you. That was a very generous introduction. I want to tell you that I find this a deep privilege and an honor to have an opportunity to address this Honorable Body, which is something that I believe is innovative and I believe an excellent idea that those of us who essentially carry out your mandates, have an opportunity to address you and tell you what we're doing. I thought, perhaps, in the few moments that I would take here today, it might be good if I told you a bit about the operations of the Attorney General. The office is rich with history. Historically New Hampshire and its constitutional office of Attorney General go back amongst the very first of the Colonies to codify, first in the constitution and then bylaws, the powers and duties of the Attorney General. Here in our state we have a very unique situation. We have an Attorney General who is appointed, and yet who has powers a great deal broader, both in common law and in statute, than those powers of Attorney Generals in states where they are elected. We also have the anomalous situation of an Attorney General who is appointed who has direct jurisdiction over certain elected officials, namely the County Attorneys. I have found, however, in the past three years that the authority should be used judiciously and sparingly and we've managed to get along quite well. The office itself, of course is two pronged.

The Attorney General of this state is the chief law enforcement officer and he is the chief legal officer of the state. In order to carry out these functions, the office has a number of divisions and it is organized along functional lines. This is not to say that lawyers from one division do not, in many instances, work within another division if the work load is of that type. Let me tell you briefly about each of the divisions and what the staff of

those divisions are. The office has an Administrative Division that has eight Wards. It is the largest division within the office. That Division is responsible for legal opinions to the majority of the State Government agencies.

We organize in a functional way and have a number of these agencies serviced by each lawyer in the department. The Administrative Division — its counsel normally, if at all possible, does not go to court terribly often to try cases. Although lately, because of the influx of the cases in the area of administrative law and because of the type of legislation passed by the New Hampshire General Court, even those lawyers in the Administrative Division and themselves more and more, entering both the Federal and State courts to uphold rulings and decisions reached by various administrative agencies. Those lawyers spend most of their time in research, in oral advice and in written advice and in preparation of answers to various complaints brought against the State Government. The Criminal Division, of course, is self explanatory. We have a unique system here in New Hampshire, exceptionally unique — as a matter of fact in the National Association of Attorney Generals I've been told that I'm the only Attorney General with the kind of statewide Criminal Enforcement and Prosecution responsibility in the nation.

Although we do have County Attorneys, of course they are part time, and the New Hampshire General Court years ago said that any penalty for which the punishment is twenty five years or more must be investigated and prosecuted by the Attorney General's office. Thus, in homicide cases in particular, throughout the State of New Hampshire, it is our office that must prosecute. This, of course, is a tremendous drain on the office. We have a total of six lawyers in that division, there is one vacancy caused by a recent resignation leaving five. All five of those attorneys are presently engaged in murder trials around the state leaving the division essentially vacant at this time.

The Eminent Domain Division is self explanatory and is the one division that is not funded by general funds in the office. It is staffed with four lawyers and one engineer assigned by the State Highway Department. That Division is charged with the responsibility of defending the State in all eminent domain actions brought against it and in aiding the State Highway Department in all of the multitude and complex legal issues

that face a several hundred million dollar a year agency. The eminent domain division, hopefully, will not have to grow in the future because of the recently passed Eminent Domain Commission. If we can have more of our hearings, and more of our citizens can have their day in court before this Commission, it will cut down on the number of jury trials necessary in Superior Courts and if there are fewer and fewer appeals taken from that commission, then hopefully, we will be able to stabilize the size of that division.

Two relatively new divisions in the office are the Consumer Protection Division staffed with two lawyers and two investigators and the Environmental Protection Division which was passed during the last session of this Legislature and is staffed only with one lawyer, but to which agency I have assigned another lawyer from the Administrative Division on a part time basis. The Consumer Protection Division since its inception in July of 1971 has recovered several hundred thousand dollars for New Hampshire citizens, has handled well in excess of three thousand complaints and probably is the one state agency that has more direct contact in a very personal way with the citizens of this state, than any other agency, except perhaps, the State Police which has a more personal contact but maybe in a different kind of a way. But I'm talking about the kind of a contact where we literally have hundreds of letters from citizens of this state thanking the personnel in that office for the job that they have done. They are very devoted people and they have done a great deal to help the consumers of this state who are the victims of a multitude of consumer frauds. We believe sometimes that we live in a nice quiet rural state where everybody is nice to everyone else. Let me assure you Gentlemen and Ladies that that is not the case.

The Environmental Protection Division is, of course, charged with the responsibility of giving counsel both orally and written and representing in court all the State Environmental Agencies. One Assistant Attorney General has that responsibility. I think he is discharging it quite well. That agency needs help. We have been very successful in many of the things that we have done, many of you who have read this morning's paper probably know that we have received a most favorable ruling from the Atomic Energy Commission which for the first time has recognized a position of the State of New Hampshire

taken by my predecessor, Attorney General Pappagianis, continued by me before the Commission, basically saying that the Atomic Energy Plant in Vermont, because it was discharging into the Conn. River, would have to meet thermostandards that were satisfactory to the State of New Hampshire and its experts on ecology and the commission has recognized that principle and has so ordered in the final order giving operating authority to Vermont Yankee. We are very pleased at that because we think that that is a landmark case in the field of environment. Finally, we do have a Charitable Trust Division which is headed by a part time attorney who is appointed by the Governor for a term, and who in this case is Wells Anderson. His responsibilities are to me, but more generally are to regulate all charitable trusts to assure that those public and charitable trusts that are in existence in the state are used for purposes for which they are intended.

That is a very brief summary of our office which presently has an authorized total of twenty-two lawyers, two investigators, to handle all of the civil and criminal litigation facing the state. Turning briefly to legislation, there are a number of pieces of legislation that we are very, very interested in during this session. One is a bill that reasonable people may disagree on. I have very deeply held views, on the need for it. It is the re-institution of capital punishment along constitutional lines for certain classes of homicides. That bill is soon to be introduced in the House. There will also be a mandatory sentencing bill limited to specific cases of heroin sale and we have a bill which we think is most important to allow certain kinds of examinations of psycho-sexual offenders other than in the State Hospital because of the nature of problems that we are facing at the State Hospital.

Briefly, Mr. President, that is the presentation that I have prepared here. I thought that I would maybe stay for ten or twelve minutes and hopefully answer any questions that anyone might have. Thank you very much.

Sen. NIXON: Thank you, Mr. Attorney General. Attorney General Rudman indicated earlier and now, that he will answer any questions that any of the Senators may have concerning his office or the operations thereof or of any problems related thereto.

Sen. SPANOS: General Rudman, if and when an Attorney

General loses the confidence of the Chief Executive, do you feel that it is incumbent upon him to resign his office, — and if not, why not?

Att. Gen. RUDMAN: That is a very interesting question Sen. Spanos. I believe as the office of Attorney General is currently constituted, it was constituted by Legislatures over the years making the office specifically not coterminous with that of the Governor. Obviously, that is something which can be changed and if it is the will of the people, it will be changed. At the present time there is an over-lapping of terms. For instance, my present term as Attorney General to which I was nominated and confirmed unanimously by the Executive Council, duly elected by the people of this State goes until January of 1976 which, of course, goes one year beyond the term of the present Governor. I believe that is the scheme that the present state of the law states in our State, I believe that that is what the people have said that they have wanted and therefore, I believe that the Attorney General acts certainly as a subordinate to the Governor and Council, but as a lawyer charged with certain specific constitutional authority, I believe that it is more important that he satisfy the Governor and Executive Council and the people of the State than any particular individual and thus, I do not feel compelled to necessarily react in any particular way if I am criticizing any particular person, I believe that I have to answer to myself, and to my conscience and to the oath I took and if I felt that I was not doing the job I should for the people of the State I certainly would resign. As a matter of fact I feel quite to the contrary — I think I work as hard at this job as anyone could and I intend to continue to.

Sen. NIXON: And now that the ice has been broken, does anyone else have a noncontroversial question. I think that Sen. Trowbridge had his hand up.

Sen. TROWBRIDGE: A very noncontroversial question General, I was interested the other day in the statement you made concerning the investigation of the tax commission business in which you were asked, I believe I'm correct, you were asked why could you not have taken power to prosecute someone who had broken the confidentiality law, and yet you were quoted to say that, I believe, that you could have taken action yourself, but when the Council ratified the action of the Governor, when they after the fact ratified the action that that tied

your hands as to taking some action. Could you explain that particular situation?

General RUDMAN: Sen. Trowbridge, I don't believe I said that it tied my hands. I don't believe that would be fair to say. I don't think that it "tied my hands," I think it gave me pause however, I believe that when the Supreme Executive Body of the State, which is the Governor & Executive Council attempted to, whether effectively or ineffectively I do not know, but attempted to essentially ratify, or legalize an action that may have been improper at the time it occurred, it certainly gave me pause to ponder what my next step would be. Of course, the subsequent events resulted in an investigation and I have said publicly that I would defer doing anything until that investigation is completed out of respect to the Governor and the Executive Council. I think that is a reasonable and defensible position for me to take.

Sen. TROWBRIDGE: One further question in this line. I have that answered. I think, also, I read, General, that you stated that this can only be decided in the courts and I was wondering how you see the scenario as to how this will get to the courts.

General RUDMAN: I believe that there are certain intellectual disputes between people as to what certain statutes mean. I believe that this is of sufficient importance that it must be decided by the third branch of our Government, the Judiciary. Whether that would be in the form of a question from this Legislature because of legislation it is pondering at this time, whether it would be from the Governor and Executive Council, whether it be possibly from my office due to prosecution that we might conceivably commence — these are the kinds of things which I have got in mind — I am sure that some combination of these things will happen. I am sure that all of the parties involved in this dispute certainly want adjudication from the only place in the state that we can have final adjudication, that is our Supreme Court.

Sen. TROWBRIDGE: Thank you.

Sen. JACOBSON: I have a question along that line of questioning that Sen. Trowbridge bridged in on, and as you know, Mr. Attorney General, Sen. Sanborn and I are just 'country boys' and we don't understand the intricacies of the law, and

what it relates to. As I understand it, you knew of the possible violation on the 29th at least, is that correct?

General RUDMAN: Yes, I learned of it on the 29th, that has been my testimony.

Sen. JACOBSON: At the time, when you learn of a possible violation, do you have a procedure to notify the person who has possibly violated the law?

General Rudman: No.

Sen. JACOBSON: So that you take no action, even though you learn of a violation.

General RUDMAN: I didn't say that I didn't take a specific kind of action. You asked me that when I learn that a certain person may have broken a law, whether or not I immediately notify that person. The answer to that question is emphatically, no.

Sen. JACOBSON: Then my final question is, according to the testimony you offered you allegedly tried to contact Mr. Douglas and not finding him you contacted Councilor Whalen. Why was it necessary to contact him?

General RUDMAN: Let me explain this to you Sen. Jacobson, as one who works in the Executive Branch of our Government and who believes very deeply the duality of control expressed in our constitution, this government is managed by a Governor and Executive Council. A report was made to my office that something had been done which appeared to have violated a right held by the Executive Council. That is what the dispute is all about. I felt that it was important that the Governor's legal counsel learn of those events. I attempted to reach him and did not reach him. I also felt it was important that the Executive Council, which was to receive a letter from the Chairman of the Tax Commission the following morning, be made orally aware of the problems, — just to be made aware of them so that they might contact the Governor, who after all, they work with. They are a Governor and a Council and discuss these things together.

Let me say to you that I had certainly no idea that that would be a matter of public record the following morning. The fact that it was does not disturb me, it disturbs other people, but the fact that it became a matter of public record was some-

thing which did not occur to me as I tried to reach Councilor Streeter as well as Councilor Whalen. It was my understanding that another Councilor, Councilor Hayes was going to be notified also, and I did attempt to reach Mr. Douglas and had I realized it was going to be public record, I would have reached him during the evening. As it turned out I didn't reach him until the following morning.

Sen. PRESTON: Mr. Attorney General, when there is a question of improper action either in the Executive, the Legislative, or the Judicial Branch, do you think that branch should be an investigative body of itself or do you think that this should be done by others too?

General RUDMAN: Sen. Preston, I believe that anybody in government ought to, as far as possible, be self-policing. I think that the majority of people in the Judiciary and the Legislature and the Executive branches are honorable, decent people trying to do the right thing. I think that if some branch of government is accused of possible wrongdoing, there is no reason why a subcommittee of that branch of government cannot, in fact, investigate and find out what the facts are. I believe that is certainly true of the Legislature, I think that if there was some talk of wrongdoing on the part of a member of this General Court, I certainly think that the members of this General Court could certainly sit in judgment on what that person did, I don't think there is anything wrong with that.

Sen. BRADLEY: Mr. Attorney General, you have indicated that you do not feel free to take any action until after the conclusion of the investigation committee's activities. Does that mean that you would not be willing to tell us what findings you may have made or you think you made, or may not be able to make, or the committee may have made, or may not be able to make with respect to this matter at this time?

General RUDMAN: I think it would be, Sen. Bradley, premature and probably not good form as a prosecutor for me to discuss here in this forum my views on that matter, I just don't think that that would be in the interest of justice.

Sen. FOLEY: Mr. Rudman, I think that generally people in the State feel that the Attorney General is the Governor's lawyer and then the Governor has his own lawyer. Could you differentiate between your duties as an Attorney General and

the personal duties of a Counsel, or is he also the Governor's personal counsel?

General RUDMAN: Oh no, I think that is very easy to differentiate. I strongly supported, back in 1970, the codification of something which existed for a long time, and that was the specifying of legal counsel in established government which every other state in the Union have had by statute except New Hampshire. Legal Counsel for the Governor is responsible for advising the Governor on legislative matters or legal matters that are involved with the Governor, legal counsel of the Governor has no authority to issue opinions that are binding in other State agencies or to do any of the things of a regulatory nature that the Attorney General is charged with — the Attorney General is charged not only with prosecuting, but the Attorney General is charged with protecting. The Attorney General in this State is charged with protecting the public from improper activities of their government, in any branch of government, including the Judiciary. I am sure that you are aware that I had a very unpleasant task to do in that area during the past year which our Supreme Court has recently decided to bring a petition against a member of the Judiciary. The Attorney General is not the Governor's lawyer in this State at all. It never really has been as such. I had very substantial disagreements with the Governor who appointed me, on a number of occasions I had to advise him of legal opinions on things that he felt one way that I felt quite definitely were the other and, frankly, I think that's the way it ought to be.

Sen. FOLEY: Thank you.

Sen. DOWNING: Mr. President, Mr. Attorney General, as having authority over the County Attorneys in the State, if a citizen of the State for some reason or other didn't think that matters were being pursued properly by way of a complaint or something like this that normally go through a County Attorney, and if they didn't feel that the County Attorney was functioning properly or was biased relative to the situation, or was prejudiced for some reason or other, would they properly file a complaint with your office or request an investigation number one, number two, what would response be to this type of thing?

General RUDMAN: Well, they do it all the time, Senator, that happens all the time. We are constantly receiving com-

plaints, requests from citizens who say that they are not happy with the justice they are receiving in their particular community and maybe against their local police department, their County Attorney, unless we are already aware of the situation, we give every one of those complaints consideration. We try to find out, in fact you mentioned this, we have got two that came in just this morning that I am now aware of as of this noontime. We will get to these things. There are instances, including one down in your jurisdiction which you may or may not remember where we already had a substantial file on the person and were relatively sure based on prior investigation that the complaint did not have merit, that is a decision that we have to make, but we try to be responsive to the complaints and to the needs of the people. I am sure we have made mistakes in judgment, but then we wouldn't be human if we didn't.

Sen. DOWNING: Just for further clarification, that is the proper channel for a citizen to go directly to your office when they feel dissatisfied or they think that some injustice has been done.

General RUDMAN: In the areas of law enforcement, in the area of County Attorney or local police departments, yes, that is the proper place. That is not necessarily to say that they will get the relief that they request, but they certainly are entitled to file a complaint and entitled to have it looked into.

Sen. DOWNING: Could they always expect to get a finding relative to their request in writing?

General RUDMAN: Not necessarily, no.

Sen. DOWNING: Why would that be?

General RUDMAN: Well, due to priority of time, we receive a lot of what I call crank complaints from people. We acknowledge them, but we don't necessarily give those people the results of our investigation. We receive hundreds of those things. People who are finding great fault with their local police department, their County Attorneys, their judges, their elected representatives, I mean all sorts of complaints will come to us.

Sen. DOWNING: How do you determine what's crank and what's legitimate?

General RUDMAN: That's very difficult. That comes along with experience, I guess.

Sen. DOWNING: Thank you very much.

Sen. NIXON: Mr. Attorney General, thank you very much for spending so much of your valuable time.

General RUDMAN: Thank you, Mr. President, I enjoyed it very much.

RECESS

OUT OF RECESS

COMMITTEE REPORTS

HB 140

relative to additional requisites for approval of subdivisions by planning boards. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: HB 140 is relative to subdivision regulations. It provides planning boards to consider the effect on schools and fire departments along with other matters such as water supply, drainage, transportation for other public services not itemized as criteria in sub-division regulations. Several people spoke in favor. Several persons expressed concern that planning boards might require a subdivider to compute it to a school or fire department. The committee felt that this bill did not imply that at all. It merely details two more examples now covered by the phrase Public Service.

Sen. PORTER: Was this bill amended in the house?

Sen. JOHNSON: Not to my knowledge.

Adopted. Ordered to third reading.

SB 48

relating to times and places of holding regular terms of probate court in Cheshire County. Ought to pass. Sen. Bradley for the committee.

Sen. BRADLEY: Mr. President, SB 48 is a rather simple bill. It simply changes the date of the regular session of the Probate Court Sessions from Friday to Tuesday. This bill was supported by the local Probate Judge and the Cheshire County Bar Association who are most concerned with the matter. The basic idea was that Friday's have become increasingly incon-

venient to the public and it was felt to have the session put back to the middle of the week to have it more convenient.

Sen. BLAISDELL: The bill was heard by Sen. Bradley, there was no opposition from the House members and I ask your support of this bill.

Adopted. Ordered to third reading.

HB 56

making certain corrections in statutory references to gambling. Ought to pass. Sen. Bradley for the committee.

Sen. BRADLEY: Mr. President, HB 56 is basically a house-keeping measure which was made necessary with the passage of a new criminal code. Now the criminal code has a general prohibition against gambling. There are specifics under the present laws dealing with sweepstakes tickets, beano, raffles and we wish to continue those exceptions under the criminal code.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS

CACR 12

Relating To: Jury Trial in Civil Causes. Providing That: The Supreme Court by Rule of Court Shall Determine the Value in Controversy for the Right of Trial by Jury in Civil Causes. Ought to pass. Sen. Bossie for the committee.

Sen. JACOBSON: Mr. President, I asked Legislative Services to prepare an amendment for me and I sent out the Senate Aide to receive it and bring it back but it has not come back as yet and I would like to propose an amendment.

RECESS

OUT OF RECESS

Sen. JACOBSON: Mr. President, I had intended to present an amendment to the bill. However, a distinguished core of lawyers have talked me out of that and so I will just speak on the bill. I am in favor of removing the limitations because it is yet another example whereby we constrict the action of any body of government by setting a precise figure. However, I am opposed to the form at which the discretion will take place under the present CACR 12, that is to place it in the hands of the

Judiciary. I cannot find any instance where the Judiciary has taken on what amounts to a fundamental legislative power. I find many instances where the Legislature has established discretionary powers within limit for the Judiciary to act therein. And I think that that kind of a principle is a sound one to which the people can respond directly to whatever means they feel and therefore, I am hopeful that some resolution may be found whereby the limitation may be removed and a more facile way of handling the problem of setting limits and especially in terms of discretion be found so that the bill can pass and be put to the people.

Sen. TROWBRIDGE: I will corroborate with my distinguished colleague, Sen. Jacobson on this matter. At the present time the Committee Report on CACR is "ought to pass." It requires fifteen positive votes in order to pass because it is a constitutional amendment. Like Sen. Jacobson, I have no objection to raising the amount, in fact I am quite in favor of it, removing the statutory limitation of \$500. However, as I brought up at Newport, I think there is something inherently wrong with having the Judiciary for matters of efficiency of running the courts be able to say that it's more efficient to eliminate all jury trials let's say up to \$20,000 (twenty thousand) in contest, obviously, it's more efficient if you don't have to have jury trials up to that level, but I wonder what we have given away in our own personal lives. Hence, I have been thinking of this as somewhat like an umpire's association, it's like a referee in baseball — when given the discretion to decide when to call the game. Well, it's a lot easier if you call the game in the first inning. It's a lot more efficient, you get it over with quicker, but it's not a ball game. Secondly, right now, it seems absurd to give the Judiciary some of these powers when the Legislature itself has the power to set the jurisdiction of the court. For instance, we will be considering 'no fault' in this Legislative Session in which the Legislature itself is saying, not only is there no jury trial in this matter, there is no trial at all. In other words, the Legislature now has the power to set the jurisdiction of civil cases. So I would be very much in favor of CACR 12 if it were to come back saying that the limit for jury trial amounts should be set every four years, let's say, by the Legislature. That would be a check and balance on the Judiciary. Please note that we have not made any motion to definitely postpone, we have not made any motion at all, but I am asking and Sen. Jacobson

is asking is that you vote against the Committee Report. If the Committee Report loses, I will then make a motion to send it back to the Judiciary Committee with instructions that they come out with an amendment that puts it in the hands of the Legislature and not the Judiciary so that this measure can be established and can then go forward from that point.

Sen. BOSSIE: Sen. Jacobson, you have stated that you do favor removing the restrictions. Do you favor a change in the constitution for that, or would it be more preferable for the Legislature to do it than the way it is now?

Sen. JACOBSON: It would be more preferable for the Legislature than to have it set at a precise limit as it is now in the constitution.

Sen. BOSSIE: And if you had a choice, a different choice between the way it is now and the Supreme Court's determining the amount every five years, which would be more preferable to you at that point?

Sen. JACOBSON: If the alternative is between the Supreme Court deciding it and some other agency, I would prefer some other agency.

Sen. BOSSIE: Do you agree with Sen. Trowbridge that efficiency is the prime factor in this constitutional amendment — do you feel that this is offered to give more efficiency to the courts so that they can get all the cases out of the way rather than having a higher degree of costs in this.

Sen. JACOBSON: Well, Senator, I can't judge the motivation of the sponsor, but I hope that the motivation is justice and not efficiency.

Sen. BOSSIE: Thank you.

Sen. BOSSIE: This is the third time that we have had a report in this matter and hopefully, it can be resolved today and if not then in the future. Basically, in what Sen. Downing and Sen. Trowbridge and Sen. Jacobson are doing is this, and it is very honorable. I don't want to imply anything else. The question basically is, shall we have a Supreme Court determine the amount in controversy before which one may demand a trial by jury, or should the Legislature do it. As we know, the Legislature does not have this power and as we know the Ju-

diciary does not have this power so it's a question really of who is going to have the power. I personally favor the Supreme Court. However, I will prefer that the Legislature do it before the way the law is right now. I do, at this point, favor this constitutional amendment, I think it is a good one, it would be expeditious, it would be creating greater justice. I urge you to vote for it.

Sen. JACOBSON: Sen. Bossie, I was unable to find instances where the Supreme Court, or any Court thereof, has taken onto itself such powers that amount to Legislative powers in establishing some kind of over-all law with respect to a given proposition. Do you have any evidence of that kind of development?

Sen. BOSSIE: I don't specifically, Senator. The Supreme Court, and I may be not in order in saying this because I don't know if it's in reference to what you have asked, but the Supreme Court has made rules of the court which govern many of the aspects of the law which have not, in effect, gone through the legislative branch of the government. And so, by virtue of doing that, they have by a rule of courts done something that they also could have had done by the legislative branch of the government. I don't have any answer to your question otherwise.

Sen. JACOBSON: I have read over the rules of the New Hampshire Supreme Court, but can't quote them for you, but they seem to be what I would call the Judiciary procedure kind of rules and not as you think of legislative statutory legislation, is that not correct?

Sen. BOSSIE: I distinguish that a little mostly because the Supreme Court will determine the Superior Court rules and in the Superior Court rules they give you an example. They give you days in which you may do certain things in 30 days you have to do this and if you want to appeal you have to do it in a certain amount of time and a Supreme Court does this as well, until, by Supreme Court rule they are determining just how you may proceed with the law.

Sen. JACOBSON: To take one rule, I think you have twenty days to respond to a plaintiff — the thing that you get — the thing that the defendant gets — I don't know what you call it.

Sen. BOSSIE: Is it a writ?

Sen. JACOBSON: Yes. You get twenty days to respond to it. Now that's a procedural question, that's not a statutory question, basically it doesn't deny a person access to the Court as this would, is that not correct?

Sen. BOSSIE: Well, no, actually there is a return day which must be at least thirty days. Well, basically, it does. The Legislature could change that, they could, by law, say that it shall be sixty days in which a person may respond, so they are taking part of the Legislative duties, if you want to call it that.

Sen. DOWNING: Mr. President, I rise in opposition of the Committee Report. I am somewhat disappointed that the Committee has brought this bill in again in the same form as the Senate re-submitted it to the Committee at its meeting in Newport. Then I think it was clearly stated that the Body generally felt that this power would be better preserved for the people through the Legislature than delegated to the Supreme Court. I think the concept of the bill is good, I think something should be done to update that particular area and the Legislature, if it had the authority, it could do it and I think that it would handle it very very well. Therefore, I urge my colleagues to vote no on the motion and then possibly it has been suggested that the bill could be recommitted and the amendments offered to the Committee.

Sen. LAMONTAGNE: The reason why I am asking this is that it seems that the Committee that I'm serving on, the Judiciary, are the ones that are debating this motion right now and I feel that this is a problem that ought to be straightened out by the Committee. Seeing that the people who are now speaking are on the Judiciary Committee and I think that this can be ironed out better in the Committee rather than on the floor.

Sen. S. SMITH: Mr. President, I rise in opposition to the present motion and support the Committee Report. It appears to me that this bill has been recommitted once, it came out of the Judiciary Committee with the same recommendation as it went in on the second turn around. I think that this constitutional amendment, proposed constitutional amendment, has a great deal of merit. I have spoken before on constitutional amendments in regards to the numbers game. I think it is a

dangerous proposition to have a firm and fixed number on a constitution, and I have referred before to a proposed amendment that came before the Senate this term to the Legislative salaries and to Legislative cut off date on March. I think the flexibility that one loses is a great detriment to the system. My feeling, personally, is that the Supreme Court is the body that is most able to determine what the dollar value should be in this area of jury cases. They're not the referee of the game as was indicated earlier. They sit a little bit above and will decide of the direct action of the courts involved. They are, however, knowledgeable as to procedures within courts. They are also knowledgeable as to the pressures that come to the courts during the years where they bill — where they receipt. I think they are more knowledgeable in this matter than is the Legislature. I can picture the Legislature in future years trying to determine what dollar value should be placed here. It reminds me — this type of issue reminds me of what has happened in years past in regards to the setting of the hunting season — everybody has their own opinion. Sometimes they're knowledgeable, sometimes they're not. For these reasons, I feel that the Supreme Court is the proper body. Also, we talk about taking it way from people, this amendment, if adopted by the Legislature will have to go to the people to be voted on in the general election and receive a 2/3rds vote to become part of the constitution, so that the people of this state I feel should have the opportunity to evaluate this measure.

Sen. DOWNING: Senator, even if the bill were, or the report were amended as some suggested here previously, this would still go to the people for their approval.

Sen. S. SMITH: This is correct, if it were adopted.

Sen. DOWNING: Senator, do you recall the Senate Session in Newport in which in a discussion, and the very clear sympathy of the body was that this bill be amended to include a legislature rather than the Supreme Court and be recommitted to the Committee?

Sen. S. SMITH: I remember that there were certain Senators who voted their opinions as to what would be done in regards to this constitutional amendment. I did not hear a clear, clairvoyant call. However, it was recommitted to the Committee, and I think the Committee looked at it again and came up

with a judgment that their first decision had been one which was a reasonable decision.

Sen. DOWNING: Senator, at that meeting of the Judiciary, when they reconsidered this and the suggestion by this body, could you indicate of the committee members being Senator Bradley, Senator Bossie, Senator Cleaveau, Senator Gardner, Senator Jacobson, Senator Lamontagne, Senator Porter, Senator Steve Smith. Would you indicate how many of those members were present actually for consideration of that direction?

Sen. S. SMITH: I think most of them were. I can't remember the exact number but how many were there for reconsideration of the amendment? I believe there were five. I had a finger signal on that.

Sen. BRADLEY: There are two very brief points. As indicated by previous speakers the committee did reconsider this and I don't believe Sen. Jacobson was present, but I believe the vote was unanimous of the five people, of my recollection of who were there. But this is a better way to go about it, I am not going to be very upset if you decide to give this to the Legislature, but I do think on balance that the Supreme Court is a more appropriate body to decide this and I say this, in part, I admit rather subjective feelings about the two bodies, the Legislature and the Supreme Court. I just think that the matter is more logically handled by the Supreme Court and it will receive a more rational consideration there than it will in the Legislature. Now, one other point which hasn't been made and I think is important, at least in my mind is a very practical one, I'd simply have a feeling again, where it is very subjective that the bill as it's now proposed will have a better chance of passing referendum than if the Legislature tries to do it itself.

Sen. LAMONTAGNE: I move that this bill be recommitted to the Committee on Judiciary.

At this time I would like to withdraw my motion.

Division Vote: 9 yeas, 12 nays.

Not adopted.

Sen. Trowbridge moved that CACR 12 be recommitted to Judiciary.

Sen. TROWBRIDGE: I simply would take it that I do not

have to give ample instruction to the Committee at this time, that the will of the Legislature, of this body, is that the Legislature be included in CACR 12 and I hope you will vote for this motion.

Sen. DOWNING: Mr. President, I rise in support of the motion and advise the body that the amendment will be prepared and submitted to the committee.

PARLIAMENTARY INQUIRY

Sen. PROVOST: How can you recommit something that is not there?

Sen. NIXON: The motion is in order, the only thing we have done at this point is to refuse to adopt the Committee Report. The motion to recommit is in order, no affirmative action has been taken.

PARLIAMENTARY INQUIRY

Sen. JACOBSON: We do have a motion which is to recommit to the Committee which has a higher order than "ought to pass." However, that motion was withdrawn and while I'm in favor of the recommittal, I still don't follow the parliamentary situation whereby once a vote has been taken and the bill is now dead, there is no further action normally that can be taken on that motion because the main motion was killed, there was no subsidiary motion for which to go to.

Sen. NIXON: There was a second motion to recommit after the committee recommendation was defeated.

Sen. JACOBSON: Mr. President, I would like to be recorded in objection of this because I think it's an erroneous parliamentary procedure.

Sen. S. SMITH: It seems to me that the ruling is correct in that what has happened has been that the bill was brought in. The only thing that was defeated was the Committee Report. The bill still being in possession of the Senate, no action of any kind on it except that the Committee Report was killed that it leaves it standing and can be then returned to the committee or some other notion may be made on it.

Sen. JACOBSON: In the rules of Parliamentary Procedure the motion to recommit to the committee is a motion that has

a higher order than the main motion. It is that one that can be substituted for the existing motion. What is the existing motion now to which the recommittal to committee is the substitution?

Sen. S. SMITH: The Committee, it seems to me that this motion could be a primary motion as well as a secondary motion.

Sen. LAMONTAGNE: Mr. President, well, firstly to speak on this bill which is now before us. I personally feel that the way the Chair has ruled is what I would support because I personally feel that as it's been said, that right now the only thing that has been defeated is the Committee Report and therefore, the bill is still alive and therefore, the bill can still be recommended to the Committee by the motion now pending and as far as I am concerned if someone moves to reconsider, then you're going to hit a problem in the future if you ever run into the same problem and I don't think that the motion is necessary. I think that we ought to recommit it back to the committee and let the committee act, although, I feel that Sen. Trowbridge has made a statement and a recommendation to the committee and I don't see how that he can turn around and recommend the committee to do what he desires, I don't think it's right. I think that the committee ought to take this bill and then if it's necessary, have another hearing or have just an executive meeting and therefore to decide on what we're going to do. I can't see why that a motion to reconsider should be accepted at this time.

The CHAIR: The Chair is of the feeling that the consensus of this body is that the bill somehow gets back to Senate Judiciary. The Chair believes this ruling is correct.

Sen. DOWNING: I would like to move the previous question, Mr. President.

Adopted.

Adopted. Recommended to Judiciary.

SPECIAL ORDER OF BUSINESS AT 1:02

SB 35

prohibiting the placing of razor blades or harmful substances in Halloween food or drink. Ought to pass with amendment. Sen. McLaughlin for the committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Adulteration of Halloween Treats Prohibited. Amend RSA 146 by inserting after section 3 the following new section:

146:3-a Halloween Treats; Adulterations. Any person who knowingly deposits, inserts, or in any way places a razor blade or other harmful substance in apples, candies, cider, or any other food or drink which is to be distributed for human consumption at Halloween shall, if a natural person, be guilty of a class A felony, any other person shall be guilty of a felony.

2 Effective Date. This act shall take effect November 1, 1973.

Sen. BRADLEY: I asked for this to be made a special order simply for the purpose of having an opportunity to discuss some reservations I had on the bill with this sponsor and the Chairman of the Committee from which it come. I have had such discussions. My concerns very briefly were that I thought this legislation was not needed and that the type of conduct is already prohibited by the Criminal Code was much better drafted and that this is not a very well drafted provision. For example, it seems to only apply at Halloween which doesn't make much sense, that someone puts a razor blade in an apple, at Christmas is just as bad. However, this is not the most important bill that we will be discussing and our criminal code is not going to be rendered useless by it and I don't see any purpose in opposing the bill except to say a word of warning that I think that this is the type of bill which reacts to a particular type of situation without regard to what the existing law already is.

Sen. FERDINANDO: Mr. President, I introduced this bill because in the greater Manchester area we had a series of circumstances at Halloween time. My thinking was to introduce legislation to at least make people aware if they should consider allowing harmful objects into the food that there is a more serious penalty involved. I'm sure that in passing this that we at least prevent some people from putting harmful objects in food. I think it will be accomplishing something. Whether the bill is properly drafted or improperly drafted or could be im-

proved on I don't know but I think the intent is to discourage it — I think by passing this bill we may discourage, I hope we do.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:03

SB 57

lowering the age of majority to eighteen. Ought to pass with amendment. Senator Porter for the committee.

AMENDMENT

Amend the bill by striking out all after section 81 of the bill and inserting in place thereof the following:

82 Certain Words Defined; Majority, etc. Amend RSA 21 by inserting after section 43 the following new section:

21:44 Age of Majority; Adults. Notwithstanding any provision of law to the contrary, the words "adult", "majority", "age of majority", "full age or lawful age", and all other terms referring to those persons who are to be considered adults, shall mean those persons who have attained the age of eighteen years.

83 New Chapter. Amend the RSA by inserting after RSA 21-A the following new chapter:

Chapter 21-B

Common Law Rule Abrogated

21-B:1 Age of Majority Changed. The common law rule that a person is a minor to the age of twenty-one is hereby abrogated. A person who has reached his eighteenth birthday is hereby declared to be of majority for all purposes, except as prohibited by the constitution of New Hampshire and of the United States.

84 Effective Date. This act shall take effect sixty days after its passage.

Sen. GREEN: Since I was the Senator that requested that this bill be a special order of business for the day, I would like to state that I have now had the opportunity to study the complete context of Senate Bill 57. As a freshman Senator I aware of the amount of inquiries, study, and investigation that has

gone into this subject. However, I thought it was very important that I have an opportunity to deal with the bill as it existed and was being proposed to this body. I want to go on record as thanking my fellow Senators for maintaining Senatorial courtesy and allowing me this opportunity. At this time, after having spent a considerable amount of time with the bill, I rise in support of Senate Bill 57 and am in favor of the Committee Report of ought to pass with amendment.

Sen. PRESTON: For my own information, Sen. Bradley, regarding compensation for dependent children as we might recognize it now for widows of veterans who receive compensation for youngsters up to the age of 21 if they happen to be in college and so forth, would this bill in any way jeopardize such compensation whether it be Federal or State to widows?

Sen. BRADLEY: Is this in respect to workmen's compensation benefits?

Sen. PRESTON: Just a general question that some Federal laws that I'm aware of and, perhaps, some states allow the widows of Veterans, as an example, to claim the children who receive monthly compensation benefits for, if those youngsters up to the age of 21 are attending school are still dependents on that head of household.

Sen. BRADLEY: Well, the answer to that is, it is a benefit which is paid under New Hampshire law such as benefits that are paid under State workmen's compensation or unemployment compensation or the like. If in those provisions there is a provision for payments to minors until they reach twenty-one, that is supposed to be changed in this bill to eighteen, and there is at least one such instance in here I recall specifically and maybe two, I'm not sure, it's either workmen's comp' or unemployment compensation, but it happens. If it is a Federal Law where this benefit is conferred to the age of twenty-one we would not be affecting that.

Sen. PRESTON: Yes, my reference, Senator, was to page 41, section 6 prompted by question on compensation for dependent child shall cease on eighteen years of age, and my question was, this could jeopardize the monthly income in certain cases.

Sen. BRADLEY: That is true. That is true and there are

other similar ones, for example in here where there are certain requirements to educate the physically handicapped to age twenty-one which is now to be reduced to age eighteen. Let me just say in general answer to that, what this bill does is go through on a wholesale basis and wherever the age of reaching adulthood losing the benefits and the disabilities of being a minor was twenty-one, that is being changed to eighteen across the board. One of the reasons why we presented the bill this way was to make this clear what we were doing and if anyone wants to except some of these now they've had the opportunity to do it and still have the opportunity to do it.

Sen. TROWBRIDGE: I've had questions that I couldn't find in the bill last night as to whether the residence tax, which is such a controversial thing, has been lowered to eighteen, do all eighteen year olds have to pay \$10 residence tax, is that in this bill or elsewhere.

Sen. BRADLEY: It certainly was intended to be — if it's not it goes in there. I don't know if I can put my finger on it, it was certainly intended to include that.

Sen. LAMONTAGNE: Mr. President, Members of the Senate. I rise in opposition to SB 57 and my main reasons for being in opposition, or I should say the biggest part of SB 57, there are some parts I think are something that should have been straightened out a long time ago in reference to eighteen year olds, I think that they ought to be able to sign their own mortgages and I have told you that in the past and I feel no different today. The main concern that I have about SB 57 is right now, you can go to any high school throughout this State and you'll see more cigarettes on the sidewalks in front of those schools. Now, in lowering the age of eighteen to drinking, means not only cigarettes will we see in front of these schools, but we're also going to start seeing beer cans. Another thing that kind of makes me wonder, and here we are in New Hampshire, we're trying to lower down the amount of DWI's we have on the highways. Now, we've taken the age down to eighteen there's no question about it that the amount of people that will be violating the law will be increased and therefore, we will have more cases of DWI's because of them drinking and driving behind the wheel.

Another thing that I kind of compare with what's going on

today. We are now having trouble with the age of eighteen, nineteen and twenty. So, therefore, if the age is lowered down to eighteen for drinking, now we're going to start facing the problem of fifteen, sixteen and seventeen. It's been very hard for the merchants in this state and the biggest majority have been trying to comply with the law in trying to put these youngsters who appear to be older and look older than their age have been able to pass for the age of twenty one. But now you are going to have that same problem when it comes between the fifteen, sixteen and seventeen, if the drinking age of eighteen is going to be put on the books. Another thing that bothers me very much is that we have now a lot of eighteen year olds who are still going to school and haven't graduated from high school.

Now, this bill's supposed to have been, as it's been said by Sen. Bradley, that there's no question about that the resident tax is meant to be included into this bill. So, therefore, you are going to have some of the eighteen year olds, nineteen year olds and you are also going to have some twenty year olds still going to school and therefore means that they will have to pay the resident tax. Who is going to pay these taxes? It's going to have to be the parents who are going to have to pay these taxes if this age is lowered. And the reason why that the parents are going to have to is because there are quite a few of these youngsters who are looking for jobs and they can't find jobs. And therefore, if they haven't got a job to go along with their schooling then what does it mean — again, I'll repeat, it's got to come from their parents. So this is the main reason why I really rose up before you in opposing SB 57. Believe me, there is some good in SB 57 — and I wish it was amended to take out the necessary objections that I have in this bill.

Sen. SANBORN: Mr. President, to speak in favor of SB 57. Mr. President, I had not originally intended to speak for or against SB 57. However, with the amount of rhetoric that has been exposed by this adept body, I, as an old farmer from the sticks, tend to become confused as to the merits of SB 57. Now, Mr. President, if I am incorrect in my evaluation, I hope someone of these fine ladies and gentlemen will correct my confused thoughts. As I understand, SB 57 lowers the age of the majority from the present twenty-one years to eighteen years of age in all cases. Right now, an eighteen year old may vote, and serve in the armed forces. If SB 57 is passed by this Senate, then later by the

House then signed into law, an eighteen year old may then own property, sign a contract, pay taxes, hold elective office, make laws, be a justice of the peace and marry people, and if found qualified, practice law and medicine. And I might add, ladies and gentlemen, even medicine for an eighteen or nineteen year old is not beyond probability. I am sure we've all read of the child protege who has entered college at the age of 12 or 13. Now we arrive at a final point. Does an eighteen year old have the maturity to partake of an alcoholic beverage? Mr. President, am I to understand that a person who is qualified to practice medicine and prescribe drugs is not mature enough to partake of an alcoholic beverage? Am I to understand that a person qualified to appear in a court of law to protect myself and my property is not mature enough to partake of an alcoholic beverage? Am I to understand that a person may be elected to sit here beside me and help make the laws but is not mature to drink an alcoholic beverage? Mr. President, what is the age that a person is mature enough to drink alcoholic beverages? Is it nineteen, twenty-one, twenty-five, thirty-five — when? Will Rogers once stated that all he knew is what he read in the paper. We can find some interesting facts in the newsprint. For instance, every week on page one of the Manchester Union prints a list of those persons who have had their driving licenses revoked for various reasons. In their effort, the largest portion covers persons driving a motor vehicle while under the influence of intoxicating beverage. A close review of this column shows that the age of the offender is provided. Mr. President, I call your attention to the last two listings which are about average for the year. Tuesday, Feb. 29, 1973 "driving while intoxicated — 63, broken down as follows: age twenty-one through 30, 18; — age thirty-one through 40 — 18; Age 41 through 50 — 13; age 51 through 60 — 5; over age 60 — 6; age under 21, and we hear so much about teenage drinking, under age 21 who have lost their licenses for driving while intoxicated in that week total 3. Wednesday, March 7, total driving while intoxicated — 79, — broken down: age 21 through 30, 28; 31 through 40 — 15; 41 through 50, 60; 51 through 60, 10; over 60 years old, three; under 21, seven, Mr. President, from this record for the last two weeks, and again I say, this is about average for the year, we find the bulk of intoxicated drivers are in the age group 21 through 30 and 31 through 40. But we also note that those over 61 and over are almost equal to the teenagers. Again, Mr. Presi-

dent, to review the only record of drinking that is available, at what age is a person mature enough to partake of an alcoholic beverage? Mr. President, I support Senator Bradley in his request for unanimous Senate support of SB 57.

Sen. PRESTON: The purpose that I questioned Sen. Bradley, Mr. President was to point out some the liabilities and responsibilities in SB 57 that far outweigh the privileges. I'm for this bill and though I know that drinking is cited, it is one of the least important of all the features. In reading news reports of our neighboring state to the south, Massachusetts, Registry of Motor Vehicles, Lucie refutes arguments that more accidents as a result of drinking while driving occur over a sustained period. With the passing of March 1 of such privileges to eighteen year olds in Massachusetts and the same in the neighboring states, I think that it is a must that we pass this bill to make our laws enforceable.

Sen. JACOBSON: Mr. President, I simply would like to say that I support SB 57. Back in the 1969 session, when this was not such a popular issue, my distinguished colleague, Sen. Spanos and I sponsored the legislation. It was then unsuccessful. Today, four years later, I think it will be successful.

Roll Call was requested by Sen. Bossie and seconded by Sen. Porter.

Yeas: Sens. Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

Nays: Sen. Lamontagne.

Result: 21 Yeas.

1 Nay.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS FOR 1:04

HB 143

relative to the form of fish and game licenses. Ought to pass. Sen. Preston for the Committee.

Sen. BOSSIE: Mr. President, last week I had asked for a special order on this, to perhaps prepare an amendment. How-

ever I have found that an amendment is not in order and I just want the bill the way it is.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS FOR 1:05

SB 16

prohibiting a split deer hunting season. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. Blaisdell moved that SB 16 be made a Special Order of Business at 1:01 tomorrow.

Sen. BLAISDELL: Mr. President, Members of the Senate, proving once more from my high school days that I have never listened to lectures, I would like to ask for a special order of business for SB 16 for Plymouth tomorrow at 1:01.

Sen. LAMONTAGNE: Mr. President, I have no objection it is my bill and so as a matter of courtesy for the Honorable Senator from the 10th District I do accept this motion.

Adopted.

Sen. PORTER: Mr. President, I would like the record to show that I am turning over to the Chairman of the Resolutions Committee on Rules, concurrent resolution 3 and House concurrent resolution 10 and Sen. Claveau's Bridge resolution.

The CHAIR: The Chair will announce that Sen. Porter will accompany the Speaker James O'Neil, Sr., to Hartford tomorrow and Friday for purposes of studying the joint legislative management committee system under which the Connecticut Legislature is supposedly reforming in the area of legislative reform. We wish him well and he will come back hopefully with a full and detailed report.

The CHAIR: The chair appoints Sen. Porter as the chairman of the Nashua delegation. Others are Sen. McLaughlin and Sen. Claveau.

COMMUNICATION

February 16, 1973

Dear Friends:

It was heartwarming to receive the tribute to my husband from the members of the Senate and House of Representatives

of the State of New Hampshire and comforting to know you are sharing my loss.

Please convey my deep appreciation to all who joined in your generous expression of sympathy and friendship.

Sincerely,

Lady Bird Johnson

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until tomorrow at 1:00 in Plymouth, New Hampshire and in honor of Sen. Bossie who is the youngest in the Senate and who helped pass the 18 year old bill.

Adopted.

LATE SESSION

Third reading and final passage

HB 140, relative to additional requisites for approval of subdivisions by planning boards.

Sen. PORTER: I move reconsideration of HB 140.

Reconsideration lost.

SB 48, relative to times and places of holding regular terms of probate court in Cheshire county.

HB 56, making certain corrections in statutory references to gambling.

SB 35, prohibiting the placing of razor blades or harmful substances in Halloween food or drink.

SB 57, lowering the age of majority to eighteen.

Sen. PORTER: I move reconsideration of SB 57.

Motion lost.

HB 143, relative to the form of fish and game licenses.

Adopted.

Sen. Lamontagne moved the Senate adjourn at 3:30 p.m.

Adopted.

Thursday, 8Mar73

The Senate met at 1:00 p.m. in Plymouth, New Hampshire.

A quorum was present.

Prayer was offered by the Rev. P. H. George, Plymouth Congregational Church.

Most gracious God, You are present with us always to guide our lives in the way of truth and freedom. As this session of the Senate meets here on this campus, we pray O Lord, for Your Spirit to govern its affairs. Lord, these Senators have difficult decisions to make and they have given themselves to the task of government. Empower them with Your wisdom and courage that they may act responsibly and govern righteously and that we may follow their leadership with confidence.

May this Senate session prove to be an exercise in true democracy: to the good of the people and to the glory of Your Name. Amen.

Pledge of Allegiance was led by Jan Brady, Student Body President and Larry Cooper, Student Senate President.

Sen. NIXON: It is my pleasure to introduce to you Madison Sears, former State Representative and presently the chairman of the Board of Selectmen of Plymouth.

Madison Sears: I am the chairman of the Board of Selectmen and it is my pleasure to welcome the Honorable State of New Hampshire's Senate to the town of Plymouth.

Sen. NIXON: Now, I would like to introduce the hard-hitting president of the Plymouth State College Dr. Hyde, who visited with us at lunch and I noticed that he managed to sit himself at the table with the chairman of the Senate Finance Committee.

Dr. HYDE: Senator Nixon and Honorable Senators, I am glad that the Senate is here today and we are honored and privileged and, I think, delighted to have the Senate hold the session here and I think that explaining government as you are doing here today, close to the people that it serves is one of the finest things that we can do in America and so our facilities are always

open to any and all of you and we are delighted to have you here.

Sen. NIXON: We would like to welcome you folks who have taken the time to be with us here today and also you boys and girls. This happens to be, in case your history teacher didn't tell you, the 350th Anniversary of Government of the State of New Hampshire and it also happens to be the 190th year of the New Hampshire State Senate, and it is the first time in the history of our State Senate, to our knowledge, that it has met in Plymouth. The history will be given to you by Leon Anderson, who is the historian for this part of the program. We have been taking this around the state to give people an opportunity to see the Senate in action. So far, we have been to New Boston, Nashua, Newport and Portsmouth last week. Our purpose is to let people who support the government see the government in action so they may better understand it. It is good to have you younger people here today and in that regard, those of you who are getting close to the age of eighteen, will be happy to know that yesterday the New Hampshire State Senate passed a law which gives the eighteen year olds the full rights as the twenty-one year olds.

INTRODUCTION OF THE SENATORS

Introduction of two former Senators, Lester Mitchell and Susan Lawaso.

INTRODUCTION OF STAFF

Introduction of Senators and Staff by Senate President David Nixon.

Introduction of Leon Anderson, Legislative Historian.

Mr. ANDERSON: This visit of the State Senate to Plymouth State College is history in action.

Never before has an official legislative session been hold in Plymouth. And never before has any legislative body in the nation gone to college, as this Senate is doing this afternoon, to improve its public service!

This Senate meeting is one of a series of weekly visits through the state. This break with tradition, which has confined legislative sessions to Concord since 1807, is in part to celebrate the 350th anniversary of New Hampshire's settlement

in the spring of 1623. It is also designed to bring legislative life closer to the people and their better understanding.

This Senate is also observing its own 190th anniversary. It was created in 1783. It was designed to provide checks and balances upon our giant House of Representatives, as our constitutional democracy emerged from the Revolutionary War.

The Senate first comprised 12 members. It was doubled in size in 1878 and now is the third smallest upper branch of a State Legislature in the nation. The Senate membership for a long time represented wealth, but now it is based upon population, as the House always has been.

As part of the state's 350th anniversary observance, a thumbnail history of the Senate has been compiled and is now available. Copies may be obtained from the Senate members, and this means Sen. Stephen W. Smith of Plymouth for this area.

This Senate, like its House counterpart, set its own pay for a century. It first got \$2 per diem and this rose to \$5 after the Civil War. But then by 1889, when sessions began to grow longer, the people voted a constitutional amendment giving our lawmakers a flat \$200 per biennial session. This was done for the express purpose of holding legislative sessions to less than 40 working days. They now run to some 90 working days a session.

Attorney David L. Nixon of New Boston, presently over the Senate, is its 113th President. Only one of them came from Plymouth. He was Attorney George H. Adams, Campton native and Dartmouth graduate, who presided over the Senate in 1905, while president of the Pemigewasset National Bank.

But Plymouth's Senatorial District has contributed much other Senate lore over its more recent history.

The Yankeeism of nearby Campton's Lester Mitchell is already legendary in Senate annals. It was back in 1939 that lanky Lester played possum and gave welcome prosperity to our historic agricultural fairs.

That was the year that Rockingham race track's gambling franchise came up for legislative renewal. It readily won House reindorsement. But when the bill was sent up to the Senate,

Sen. Mitchell clammed up. He played difficult to determine upon learning his single vote was the swinger.

As showdown day dawned, lanky Lester, long-time spark-plug of Plymouth State Fair, let slip he would become most happy if the fairs could share a bit of the Rockingham largess. No sooner disclosed than done, Sen. Mitchell got an amendment tied to the franchise. It has ever since given the dozen fairs a subsidy of \$150,000 a year. But for this Mitchell ploy, most of the fairs might well have ceased to exist, all concerned are agreed.

Miss Suzanne Loizeaux, former editor of the Plymouth Record, also made a Senate mark. She contributed substantially to its 1951 deliberations, after service in the House; served as publicity chairman of the National Order of Women Legislators, known as the OWLS, and resurrected the New Hampshire Senate Association of 1878. The association has continued to function ever since, thanks to Miss Loizeaux's leadership.

New Hampshire has had 73 constitutional Governors since 1783, but none have come from Plymouth. We have suggested to Sen. Smith it's about time that Plymouth got a Governor.

Meanwhile, Sen. Smith continues to roll up an impressive mark of public service. He is now in his second term in the Senate, following three terms in the House and one term on the Governor's Executive Council. Sen. Smith also continues active in Republican party affairs, and recently concluded a three-year term as Republican National Committeeman from New Hampshire.

It is thanks to Plymouth having Sen. Smith in the Senate that the Senate is making history by meeting in Plymouth this afternoon.

(Sen. S. Smith in the Chair)

Sen. S. SMITH: Before I proceed and start the business of the meeting, there is one person who has not been introduced here and that is the president of the Senate, David Nixon.

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HJR 14, relative to a supplemental appropriation for the board of nursing education and nurse registration. Referred to Public Health and Welfare.

HB 128, enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters. Referred to Resources and Development.

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Referred to Education.

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license. Referred to Public Health.

HB 48, relative to enforcement of orders of tax commission for abatement of taxes. Referred to Ways and Means.

HB 362, to reclassify a certain highway in the town of Whitefield. Referred to Public Works and Transportation.

COMMITTEE REPORTS

SB 42

relative to excepting certain pupils from authorized regional enrollment area school agreements. Ought to pass with amendment. Sen. Green for the Committee.

AMENDMENT

Amend RSA 195-A:4-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

195-A:4-a Exception. Notwithstanding any other provision of law or any agreement between a receiving district and a sending district, the school board of a receiving district and the school board of a sending district may mutually agree upon a showing of hardship by pupils from a sending district to exempt such pupils from any agreement requiring them to attend the receiving district's schools. A pupil exempted from such agreement would make suitable arrangements to attend school outside the receiving district. The sending district shall be liable

for tuition payments to the district of actual attendance. Any exception so granted shall be for the period of one school year and shall be renewed only upon mutual agreement between the school boards concerned.

Sen. GREEN: This bill, as presented with amendment will be found on page 35 of the Calendar here today. This bill does allow for an exception in the present statute for school districts that are in an area school agreement. Presently, the school districts must send their children to an area school or receiving district and the statute is very clear. We are suggesting in this bill that there be an exception to that statute, which essentially is allowing the sending school district and the receiving school district to agree mutually to exempt certain pupils from the agreement and because of hardship or capacity, they will not have to send students in these cases. I want to make special reference to the point that it must be a mutual agreement of both districts and when this agreement is reached, the sending district still has the responsibility and liability for tuition payments for the children that actually attend. Also, as a result of a hearing and the understanding by the State Board of Education and their agreement, we would like to hold the bill be recommended to pass with the amendment as quoted.

Sen. TROWBRIDGE: I would like to say that I am the sponsor of this bill and I would like to have the records show that the hardships that we are talking about in the amendment, which I fully support, is the hardships which come with an area school agreement and one child or one family lives way up in the back road on the far end of the district. In my area I have a family that lives approximately one mile from the Contoocook Valley Regional High School and this is seventeen miles from the Keene Receiving School District and I think that it is absurd to send those kids seventeen miles when he can go one mile. At the present time, there is no machinery that I have found in the statute which allows a town like Harrisville which happens to be in the Keene Area School District to make an agreement with Keene that the kids who are seven miles away do not have to go all that way, and so this Amendment 42 opens the way for the contractual parties in the town of Harrisville and the city of Keene to come to an agreement. One of the other features of the amendment Sen. Green didn't mention, which is quite good, it was recommended by the Department of Education that each

of these agreements may be renegotiated each year so that this isn't some sort of a long term thing, and as circumstances change or bus routes change, that each part of the agreement can be renegotiated each year and I think this is a good idea and I urge your support on the bill.

Adopted. Ordered to third reading.

SB 11

providing for annual summary fiscal reports. Ought to pass with amendment. Sen. Preston for the committee.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Fiscal Reports. Amend RSA 8 by inserting after section 13-a the following new section:

8:13-b Summary Fiscal Reports. The director of accounts shall prepare within sixty days after the end of each fiscal year a summary report of the financial status of the state as a whole and of each state agency and department. This report shall be published, at the expense of the state, in readable and understandable pamphlet form and shall be distributed to the state officers and bodies as provided in RSA 20:11. In addition, the report shall be made available to the public upon request through the governor's office. The report shall include a comparison of the current fiscal year surplus or deficit of the state as a whole and of each department and agency with respect to the preceding five fiscal years. The cover of such report shall summarize in outline form the information contained in the report.

Sen. PRESTON: Mr. President, I move the adoption of the Committee Report. This amendment is on page 35 and it merely directs the Director of Accounts to prepare within 60 day after the end of each fiscal year a summary report of the financial status of the state and it shall also include a comparison of the current fiscal year surplus or deficit of the state with respect to the preceding five fiscal years. This will allow the public to obtain the information from the state in an understandable form. We would move for adoption and referring this as amended to the Committee of Finance.

Sen. NIXON: Mr. President, I am the sponsor of this bill and I would like to note my concurrence with the amendment proposed. There has been an apparent lack of knowledge on the part of the average citizen of the actual finances of the state and also not to mention the people in the state government themselves. In the reporting of surplus and deficit there has been mass confusion in the past. There may be some revision legislation proposed in the future, but in the meantime this is a means of keeping the average citizen and taxpayer informed about what kind of revenue we do have and what have had in the last five years and also expenses we might have. This bill provides for, as indicated through the amendment, the director of accounts to prepare an annual summary which will be available to any citizen and hopefully in an understandable form. I hope you will support the passage of this bill.

Sen. R. SMITH: I noticed there was an additional bill for the State Treasurer to prepare a report and this amendment calls for the Director of Accounts to prepare a report. I wonder if the intent was to have the State Treasurer prepare this report.

Sen. PRESTON: The reference point is RSA 13-B and in this statute it states that the Director of Accounts, with the information and resources available to him, he would be the proper body to prepare the report.

Sen. TROWBRIDGE: Senator Preston, did I understand you to say that you were referring this to the Finance Committee?

Sen. PRESTON: There is an estimated cost there of perhaps five to six hundred dollars for the printing and this is necessary so we referred it to the Finance Committee.

Adopted. Under rules referred to Finance.

SB 38

relative to increasing the sum authorized by the commission to expend from an applicant's examination fee for engaging a qualified testing service. Ought to pass with amendment. Sen. Johnson for the Committee.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

authorizing the real estate commission to expend from examination fees whatever sums are necessary to hire a testing service.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 Authorizing Necessary Expenditures for Testing Service. Amend RSA 331-A:4-a (supp) as inserted by 1963, 269:2, as amended, by striking out said section and inserting in place thereof the following:

331-A:4-a Examination. The commission shall not issue an original salesman's or broker's license to any applicant therefor unless and until such applicant shall have satisfactorily passed a reasonable written examination as to his qualifications to act as such broker or salesman. The examination shall be in such form as may be prescribed by the commission and shall be administered by the commission which shall cause the examination to be given to applicants at least four times annually. The commission is authorized to publish and distribute printed material indicating the scope of the examination and suggested sources of study. A fee of fifteen dollars shall be paid for each examination. The commission is authorized to expend from its receipts for examination fees the sums necessary for the purpose of engaging a qualified testing service to be selected by the commission to prepare, structure, administer and conduct the examination under the direction of the commission. The commission shall notify each applicant who takes said examination the results thereof within thirty days of the examination.

Sen. JOHNSON: Mr. President, I move for action of the Committee Report and this amendment is on page 38 of the Calendar. SB 38 pertains to the Real Estate Commission. The bill as amended removes the \$5 figure that the Commission expends for fair and suitable testing and it does not change the applicants fee of \$15.00 which is now in the law. The word "sum necessary" are used in place of the word "sum of \$10.00 per applicant taking the examination." The sponsor of the bill is Senator Claveau and the Real Estate Commission and several others have spoken in favor and we all felt that the time has come for a better examination and faster reporting period.

Sen. JACOBSON: As I understand the legislation, there is no appropriation and the present fees are still the same.

Sen. S. SMITH: As I understand it, the fees are the same but it is authorizing an expenditure to a qualified testing service. This expenditure will come under the review of the Senate Finance Committee.

Adopted. Under rules referred to Finance.

HB 96

providing that alternate members may be appointed to zoning boards of adjustment. Ought to pass with amendment. Sen. Poulsen for the Committee.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Zoning Boards of Adjustment. Amend RSA 31 by inserting after section 67 the following new section:

31:61-a Alternate Term; Vacancies. The board of adjustment may also consist of between two and five alternate members. Whenever a regular member shall be absent, one of the alternates shall act in his place. No member shall vote on any matter brought before the board unless he was present during all hearings held on that matter. When the board is first organized, the legislative body shall establish the number of alternates between two and five and the term for each alternate not to exceed five years. Said alternate members shall be removable by the appointing authority upon written charges, and after public hearing in the same manner as provided in RSA 31:67. Vacancies among the alternates shall be filled for the unexpired term.

Sen. POULSEN: Mr. President, we move for adoption of this bill and its amendment on page 34 of the Calendar. The original bill allowed for the appointing of alternate members to the board of adjustment and the amendment in the House only applied to the cities and municipalities and so the towns came under it. The Senate Committee amended it mostly in language to allow the appointing of alternate members in the event that a member was absent that one of the board members shall act in his place.

Adopted. Ordered to third reading.

RECESS

Sen. NIXON: I would like to add that Mrs. Nixon's sister and my brother-in-law are up here from Massachusetts and they have been enjoying the skiing at Waterville.

OUT OF RECESS

SB 33

relative to payment of court fees for breath tests of blood alcohol content. Ought to pass with amendment. Sen. Bradley for the Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Municipal Court Costs; Chemical Tests Under Implied Consent Law. Amend RSA 502:14, as amended, by striking out said section and inserting in place thereof the following:

502:14 Duties of Clerk; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the municipal court from any source. After deducting witness fees, costs of clerk's bonds, court seal, record books, printed blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court the clerk shall, except in cases otherwise provided, pay the same over to the treasurer of the city or town wherein the said court is located, for the use of said city or town. Provided that whenever fines are assessed on account of violations of Title XXXIV, RSA, relative to public utilities, Title XXXIX RSA, relative to aeronautics Title X, RSA, relative to public health, chapter 270, RSA, relative to navigation, chapter 282, RSA relative to unemployment compensation, chapters 183, 184, 185, 341 to 344, RSA, inclusive, and chapters 284, 345, 425 to 429, 433, 434, 436 to 439, 440 to 443, RSA, relative to agriculture, or any other statutes wherein it is provided that the fines and forfeiture shall be paid to the state or to a department or agency of the state, the clerk of the municipal court shall deduct from each of said fines and forfeitures so collected by the court the sum of ten dollars and twenty

percent of that part of the fine which exceeds ten dollars, and after deducting witness fees and the expenses incurred by law enforcement departments in obtaining or providing chemical tests of blood, urine or breath under the provisions of the implied consent law, RSA 262-A:69-a, in all such cases brought in said municipal court, shall pay over the balance to the state or department or agency to whom due, within seven days after the receipt thereof. The clerk of the municipal court shall pay over each month to the respective law enforcement departments their expenses in obtaining or providing chemical tests of blood, urine or breath under the provisions of the implied consent law for all such cases presented in the municipal court, which expenses the clerk has deducted from the fines and forfeitures as hereinabove provided. The remaining part of said fines and forfeitures deducted by said clerk as hereinbefore provided shall be retained and used for payment of expenses of the court as hereinabove provided.

2 District Court Costs; Chemical Tests Under Implied Consent Law. Amend RSA 502-A:8 as inserted by 1963, 331:1, as amended, by striking out said section and inserting in place thereof the following:

502-A:8 Duties of Clerks; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. After deducting witness fees, costs of clerk's bond, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court the clerk shall, except in cases otherwise provided, pay the same over to the treasurer of the city or town wherein said court is located for the use of said city or town. It is further provided that whenever fines are assessed on account of violations of Title XXXIV, RSA, relative to public utilities, Title XXXIX, RSA, relative to aeronautics, Title X, RSA, relative to public health, chapter 270, RSA, relative to navigation, chapter 282, RSA, relative to unemployment compensation, chapters 183, 184, 185, 341 to 344, RSA, inclusive, and chapters 284, 345, 425 to 429, 433, 434, 436 to 439, 440 to 443, RSA, relative to agriculture, or any other statutes wherein it is provided that the fines and forfeitures shall be paid to the state or to a department or agency of the state, the clerk of the district court shall deduct from each of said fines and forfeitures so collected by the court the sum of ten dollars and twenty percent of that

part of the fine which exceeds ten dollars, and after deducting witness fees, if any, and the expenses incurred by the law enforcement departments in obtaining or providing chemical tests of blood, urine or breath under the provisions of the implied consent law, RSA 262-A:69-a, in all such cases brought in said district court, shall pay over the balance to the state or department or agency to whom due, within seven days after receipt thereof. The clerk of the district court shall pay over each month to the respective law enforcement departments their expenses in obtaining or providing chemical tests of blood, urine or breath under the provisions of the implied consent law for all such presented in the district court, which expenses the clerk has deducted from the fines and forfeitures as hereinabove provided. The remaining part of said fines and forfeitures deducted by said clerk as hereinbefore provided shall be retained and used for payment of expenses of the court as hereinabove provided.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. BRADLEY: Mr. President, first of all this is a very simple amendment, it really has nothing much in substance. The bill is simple, the amendment being to add two words and various sections, which is virtually housekeeping. Presently, we have on the books a provision that the expenses of blood test in connection with the prosecution and conviction of driving under the influence be paid out of court fines. However, we legalized the breathalyzer and there was no similar provision for covering the expenses of the breathalyzer and this bill simply provides for those expenses may be taken out of the court fines. The particular amendment, which you will find on page 36 of today's Calendar is the entire bill and the words added in the bill originally are the words "or providing" which you will find two lines from the bottom on page 36 and the same words are in two other places throughout the bill. So it broadens the original bill to cover the expenses for the chemical test, blood test, urine, or breathalyzer.

Sen. TROWBRIDGE: This being my bill I notice they have taken out the amendment to send back the expenses for 1972 blood tests. I had originally drafted this to be retroactive to pick up those costs that were incurred in the previous years. Aren't we going to do that anymore?

Sen. BRADLEY: I am sorry I didn't bring that out, that is a substantial amount. It was the feeling of the Committee to let bygones be bygones on this, because it was too much trouble to attempt to go back and compensate people for the past, so the bill should be prospective only.

Sen. TROWBRIDGE: You must agree that it was a good try.

Sen. BRADLEY: Yes, it was a good attempt but it is probably enough just to solve the future problems and not the past.

Adopted. Ordered to third reading.

Sen. BOSSIE: Mr. President, I move that SB 49 be made a Special Order of Business for next Wednesday, March 14. for the fact that SB 49 was reported out and was not prepared with amendment and I think it is necessary to see this before we vote intelligently on it.

Adopted.

SB 43

requiring persons engaged in the hunting of big game animals to display on their person a minimum amount of color known as hunter orange. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, I would like to move for adoption of the Committee Report. This bill has had a lot of opposition and with all due respect to the sponsor, Sen. Sanborn, I am concerned that it might train people to look for one color in the trees and they would start shooting anything that moves without that color. I don't think we are in a position of legislating the type of wearing apparel. I move for adoption of the Committee Report.

Sen. NIXON: I would just like a brief explanation of what the bill does require.

Sen. PRESTON: The bill says "hunter orange shall mean a daylight fluorescent orange color with a dominant wave length between five hundred and ninety five and six hundred and five nanometers, and excitation purity of not less than 85% and a luminance factor of not less than 40%."

Sen. NIXON: Would you explain to me what the bill means?

Sen. PRESTON: It determines the amount of hunter orange that you are required to wear in hunting big game. The orange would be a factor of safety for hunting large game.

Sen. BOSSIE: You stated before that there were a number of people opposed to this bill, will you state the reasons that they gave other than the one that you have just given, were there others or is this it?

Sen. PRESTON: One of them mentioned that we should not legislate wearing apparel. One gentleman, who was a professional wild life man said that he was shot at eleven times and hit three times and he was still opposed to the bill.

Sen. TROWBRIDGE: I noticed that you said that we should not legislate wearing apparel, is it not true that for motorcycles that we specify that they have to wear helmets? Isn't that for someone's safety that we specify what they wear?

Sen. PRESTON: In this particular instance, you are correct.

Sen. SPANOS: As Sen. Nixon was, I too am confused with nanometers and excitation purity, what are they?

Sen. PRESTON: I do not want to take all the credit for this bill so I will refer that question to Sen. Sanborn.

Sen. SANBORN: What was that question, please?

Sen. SPANOS: I asked what does the term nanometer mean and also what does the term excitation purity mean?

Sen. SANBORN: This is to measure the reflected light and the other is the amount.

Sen. SPANOS: That's very clear.

Sen. SANBORN: Mr. President, I am the sponsor of this bill, however, Sen. Porter also wished to debate this bill and he is in Conn. on official business for the state and I would be the last one in this Senate to request this, but I would like it made a special order of business for 1:01 Tuesday.

Adopted.

HB 8

repealing the bounty on bobcats. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this bill was introduced by Rep. Townsend and it simply repeals the present \$15.00 bounty on bobcats. For last year the number of bobcats harvested was 22 which made an average of \$10.88, estimated at \$239.36. Rachell Terrill has been coming to these meetings for years and spoken in favor of this bill and she has also asked that she would like to see this bill passed so that she wouldn't have to come back in a wheelchair. I respectfully ask the Senate to go along with the Committee Report.

Sen. POULSEN: I rise in support of this bill, in the last few years, in the woods I have noticed that the bobcats are getting fewer and fewer.

Sen. FOLEY: Mr. President, while I was up here at Plymouth State College I spoke to one of the professors and he gave me some information concerning the bobcats and having been educated up here, I would like to give out the information that he gave me and I think that it is very fascinating. The fascinating bobcat has been found to eat such game animals as deer, hares, and rabbits. A long-term investigation of its habits by wildlife researchers has not established, however, that its annual toll has any significant effect on the deer herd. Based on reported kills from 1931 to 1955 our scientists have found that the animal's proliferation appears to reach a high about every nine years and that there seems to be no good way to determine the age of a bobcat. It also appears evident that the bounty system has not resulted in reducing the number of cats significantly. Tests show that the cat's flesh is tender and suitable for human consumption and the hide makes a fine, soft leather although the hair is too brittle to wear well. The animal's economic significance in New Hampshire also is being studied.

Sen. JACOBSON: Is it not the intention of this that the population of bobcats can come to a natural standard?

Sen. BLAISDELL: I think that is the purpose of the bill.

Sen. SPANOS: Would you characterize the committee's report as "Mutiny on the Bounty"?

Sen. BLAISDELL: You can readily tell that this is the fun committee of the Senate.

Sen. R. SMITH: In regards to this bill, we are talking

about repealing the bounty on bobcats, will section three and four change any of the provisions of the law?

Sen. BLAISDELL: Not at all, this was amended in the House and all it does is repeal the bounty on bobcats of \$15.00.

Sen. JACOBSON: I want to speak in favor of this bill. On the literature that we have been receiving from Fish and Game, one of which this creature is pictured, and I showed this to his cousin who lives at my house and he was most appreciative and is also in support of this bill.

Sen. GREEN: I am still a little bit confused here, section three and four deals with other than bobcats, I see a reference to dogs and so forth.

Sen. BLAISDELL: This is strictly out of the bill, all it does is repeal the bounty on bobcats, period. Nothing else.

Sen. GREEN: Now I understand.

Sen. S. SMITH: I think that we should act on this bill today because it is Plymouth's mascot.

Adopted. Ordered to third reading.

HB 122

providing for rules of professional conduct in the practice of engineering. Ought to pass with amendment. Sen. Lamontagne for the Committee.

AMENDMENT

Amend RSA 319:8-a as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

319:8-a Public Hearings. Before adopting or amending rules of professional conduct, the board shall advertise in at least one newspaper of statewide circulation giving notice of at least one public hearing that shall be conducted by the board. Such notice of the public hearing shall be given not less than fourteen nor more than forty-five days prior to said hearing. At least forty days prior to the scheduled hearing, the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all engineers registered by the board.

Sen. LAMONTAGNE: Mr. President, I move that we adopt the committee's report. This bill provides the State Board of Registration for Professional Engineers to promulgate and amend rules of professional conduct for registered engineers in New Hampshire and provides for suspension or revocation of certificate of registration if professional conduct rules are violated. The amendment on HB 122 is on Page 34. In section 2, line 29, the word "thirty" has been changed to "forty-five" days.

Adopted. Ordered to third reading.

HB 194

authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, I move the Committee Report be adopted. This legislation is for municipalities, permitting them to establish a capital reserve fund for the purpose of covering the cost of tax mapping, reappraisal of real estate or for tax assessment purposes. Apparently, the capital reserve fund was for the purpose of special construction projects or special equipment purchases, and we felt that this was another area of importance, in that the community should be able to plan ahead and this would enable them to do so.

Sen. JACOBSON: As I understand the bill, any municipality would be able to include for example its town warrant with the establishment of this reserve fund?

Sen. DOWNING: That is correct.

Sen. TROWBRIDGE: As you undoubtedly are aware of, many of you are now aware more so after the last town meeting, that the Federal Revenue Sharing Act has placed some restrictions on what you can use revenue sharing funds for and in most cases these expenditures can be delayed for one year and cannot be delayed for more than two years. If you allocate money, for instance to the capital reserve before the end of two years Have you taken that into consideration at all and has there been any testimony before your committee about using these revenue sharing funds for these worthwhile purposes?

Sen. DOWNING: No, Senator. There was no consideration of the Federal funds per se nor was there any testimony in

that effect. I expect that if such funds were authorized, that such funds would probably be spent as quickly as they were received.

Sen. TROWBRIDGE: Sen. Jacobson indicated he had an answer to my question.

Sen. JACOBSON: If my information is correct, the matter of the Federal Revenue Sharing Funds have priority established and that the question would be whether they would fall within the priorities period if some question should arise with regard to using these funds for such things as tax mapping or reappraisal of real estate, a town might be subject to having to return the funds. So that in my view it would be better to spend the Revenue Sharing Funds in the specified categories and thereby reducing the amount of money needed for tax appropriations in those categories and then applying the funds for such things as tax mapping and reappraisal.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:01

SB 16

prohibiting a split deer hunting season. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: I would like to make a motion on the floor that this be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President and Members of the Committee, I rise in opposition to the pending motion for indefinite postponement. This bill is in reference to the Director of Fish and Game and he should not have the authority in case of an emergency of splitting the deer season and the reason being, the General Courts has put a law into the books that there would be one deer season in the State of New Hampshire but the Director of Fish and Game, when he sees fit could close the southern part of N.H. to deer hunting and therefore let the northern part of N.H. open and therefore create a large majority of hunters to come up north.

Now, if the Director of Fish and Game and the Commission of Fish and Game continues to be able to split the season then that means that the north country is going to be crowded with

hunters and that would create a danger which has been proven in the past before the law was made into one season. At the same time there is danger, there is danger of having more land posted and if more land is posted in the northern part of N.H. it will mean less land for hunters to hunt on. When the Fish and Game Director created the split season in the last hunting season the snow had actually dissolved because of rain and the Director of Fish and Game did not take the emergency away the way it should have been done. So this bill now pending and before you, which I am hoping that this motion will be defeated, so that another motion can be added to pass the bill that I have before you. This bill will not take away any authority from the Director of Fish and Game and it will not take any authority away from the Fish and Game Commission. My bill says that the Fish and Game Director or Commission cannot split the season if there is an emergency and this has been changed by petitions from the north country. They want all of the state to be closed, all of the state and not just half of the state or a part of the state.

So personally, I feel that my bill protects the hunters and protects the deer herd of the north country. I took pictures, unfortunately I don't have them with me today, but anyone can see the pictures that I took two weeks ago of a deer herd in the north country but coming back, if we split the season, I am sure that the deer herd will decrease. Two weeks ago I took some pictures and I was able to take a picture of eight deer and I can take any of you up to Dummer and can prove to you how the deer herd, and I would go back up there again and take more pictures of the deer, but please, I am asking you to vote the motion down so that we can put this into law so that we will not have a split season in New Hampshire.

Sen. NIXON: Would you briefly explain what practice is carried on by the Fish and Game Director that this attempts to prohibit?

Sen. BLAISDELL: I would be glad to. There are deer up in the north country, and by the way, I have not seen eight deer in the southern part of New Hampshire for a long time. This act authorizes the Director of Fish and Game and he is trying to protect the deer herd in the state and I must say you are very lucky up there Senator. What this is trying to do is to prohibit managing the deer herd and we feel, which is a unani-

mous decision of the Committee, that if the Fish and Game Director of the State of New Hampshire, who is supposed to be the managing director of the game herd, that the policy should be left with him and he is a good director and this is his duty and I feel and so does the Committee on Recreation and Development of the Senate that this should be his job.

Sen. TROWBRIDGE: I have to disagree with my colleague from the southwestern part of the state and I am also interested in the deer herd, but Sen. Blaisdell said that there isn't many deer in the southern part of the state but there are people in the southern part of the state and I am more concerned with the people at this point than I am with the deer herd. The last time they closed deer hunting in the north country it was like Viet-Nam in the southern part with New Hampshire, Vermont and Maine, New Hampshire is the only one that has Sunday hunting and you get all these hunters on Sunday and if you split the season, or split the state in half you might have hunters who were hunting in Vermont on Saturday and you might have Maine hunters who were hunting in Maine on Saturday and they would all come to New Hampshire on Sunday so that the possibility of having concentrated hunting in the areas of high population is very, very dangerous and we have a very serious situation in our area, Monadnock region, if the north country were closed, you might say what is good for the goose is good for the gander and we can't very well have the southern part closed and have everybody going up north. So I am going to vote against the motion for indefinite postponement and I do feel that Sen. Lamontagne has a good point when he said he is not taking away the capacity of the Director to manage the herd.

Sen. JACOBSON: Last evening I read the Fish and Game book and I noticed two things that I would like to ask questions about. One is that there is an overwhelming amount of deer killed by residents rather than non-residents.

Sen. BLAISDELL: That is true.

Sen. JACOBSON: Also I noticed in the response to what Sen. Trowbridge just said, that there has not been any significant increase in the number of people shot by other people in the last ten years and in fact less than last year and the year before.

Sen. BLAISDELL: That is true, thank God, Senator.

Sen. LAMONTAGNE: Why did the Director of Fish and Game declare an emergency with the amount of snow that was in the southern part of the state, he didn't take the emergency away and it created a situation with a lot of hunters up north and why didn't he take the emergency off because there was no snow in the southern part of the state?

Sen. BLAISDELL: I might disagree with that because there was snow in the southern part of the state at the time and there were only a few days left of the season when we closed it and as I remember, being in the ski business myself, parts of the area certainly had plenty of snow.

Sen. LAMONTAGNE: Do you remember that it rained before that emergency occurred?

Sen. BLAISDELL: Being in the ski business, I certainly do remember that it rained. All of the snow didn't disappear though we did have quite a bit in our area, and it didn't rain that much.

Sen. PRESTON: Interestingly enough, within the split season there were less deer killed than the previous year. Now, with the committee hearing, the Chief of Fish and Game and I researched the question and we recognized that it was a safety problem and he said it would be unlikely that they would stagger seasons again. They reminded us that we should be legislating the job to the Fish and Game Director the managements of the herds because he is concerned with the entire state and not just the southern part. I move that we vote in favor of the motion.

Sen. POULSEN: I rise in opposition to the motion. The north country probably has the higher deer kill and in Grafton County a few years ago, anyone who lived near the line knows that that became a no-man's land and there was no question that if the season was changed again that the total hunting population would move northward, which would be a terrible pressure on the north country. I am also concerned with the deer herd and also the people and I think that the things we have witnessed this last fall where there were thirty or forty cars filled in a one mile stretch of road only indicates danger, danger to anyone who lives anywhere near this area. New Hampshire is a small state opposed to the other New England states and if the emergency, I really don't consider we had one last year, but if

so the whole state should be closed and not just one portion of it. If it were bigger like Maine, there would be a different pattern, but we are not that big and I think it is completely wrong for the Director to have the power to close one area and put that pressure on the rest of the state.

Sen. SANBORN: I would like to speak against this motion. I can only agree with the words of Sen. Trowbridge and Sen. Poulsen and I am afraid that these Senators from the southern part of the state must be so young that they have forgotten the days when this state was split, one season in the north, and one season in the south and havoc was created. I happen to live in the Town of Deerfield which is a good name to begin with and I have seen what was mentioned, the Massachusetts and Maine hunters that come to Deerfield and I wonder. Deerfield used to have a lot of deer and the old season wiped the herds out completely and the Director never gave us any relief. I am opposed to the Director having the ability to split this state once again, after all the years we have worked to get a full state hunting season and I hope to defeat the present motion and to pass this bill. I agree with Sen. Poulsen and the last time we were debating this bill it snowed up in the north country and in the southern part and we were the lucky ones, we got closed and they didn't.

Sen. GARDNER: I would like to ask if there is anything in this bill at all that says that we will have a permanent split season.

Sen. SANBORN: I can't see anything in this bill, no.

A Roll Call was requested by Sen. Blaisdell and seconded by Sen. Lamontagne.

YEAS

Sens. Gardner, Bradley, Green, Jacobson, Spanos, Blaisdell, R. Smith, Brown, Bossie, Johnson, Preston and Foley voting in the Affirmative.

NAYS

Sens. Lamontagne, Poulsen, Nixon, Trowbridge, Sanborn, Provost, Downing voting in the Negative.

Result: 12 Yeas, 7 Nays.

Adopted.

ANNOUNCEMENT

Sen. NIXON: Someone handed me the statewide newspaper and under the Statehouse Dome column on page three, there is an announcement that the New Hampshire Conservative Union has conducted its annual biggest liar of the year contest. I know there is a question as to whether there should be a recount because the Attorney General won with twenty-six votes and the Senate President, David Nixon came in second with twenty-four votes. I would just like to say that I hope my fellow Senators aren't going to vote for me in any such poll and I would like to see such organizations as the New Hampshire Conservative Union perhaps devote their considerable talents to worthier causes than such matters.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until next Tuesday at 1:00 p.m. and with sincere thanks to the Town of Plymouth and sincere thanks to Dr. Hyde, President of Plymouth State College, his faculty, staff, and student body for hosting our visit and for their kindnesses and gracious courtesy. We are sincerely grateful.

The Senate adjourns in the hope that Sen. Claveau's wife, Mildred will enjoy a speedy recovery from her illness and both sides of the aisle join in adjourning in honor of the birthday of Governor Meldrim Thomson.

Adopted.

LATE SESSION

Third reading & final passage

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to put on third reading and passage at the present time: SB 42, HB 96, SB 33, HB 8, HB 122, HB 194, and that we dispense with the reading of the titles and act on the bills as formerly read by the Chair.

Adopted.

SB 42, relative to excepting certain pupils from authorized regional enrollment area school agreements.

HB 96, providing that alternate members may be appointed to zoning boards of adjustment.

SB 33, relative to payment of court fees for breath tests of blood alcohol content.

HB 8, repealing the bounty on bobcats.

HB 122, providing for rules of professional conduct in the practice of engineering.

HB 194, authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate.

Adopted.

Sen. Foley moved the Senate adjourn at 3:00 p.m.

Tuesday, 13Mar73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh Father of us all, let us never forget, as we work together, that our relationship is understanding and tolerance! Help us as we go forward in our work each day!

We thank Thee, that a woman's voice has been heard, from afar; one of our assembly, Eileen Foley. May she have your special guidance and blessings as she continues in her understanding of the ideas and needs of the people of N. H.

We humbly thank Thee. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Masters David Nixon, Jr., and Louie Nixon.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 76, relative to tuition payments for handicapped chil-

dren and making an appropriation therefor. (Smith of Dist. 3; Spanos of Dist. 8 — To Education.)

SB 77, relative to costs in domestic relations actions. (Foley of Dist. 24 — To Judiciary.)

SB 78, relative to representation for indigent, neglected and abused children. (Smith of Dist. 3; Spanos of Dist. 8 — To Judiciary.)

SJR 6, regarding retirement credit for Francis J. Donahue.

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 124, to reclassify a certain section of highway in the town of Jaffrey. Referred to Public Works and Transportation.

HJR 10, providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling. Referred to Finance.

HB 195, relative to semi-annual collection of taxes in cities and towns. Referred to Executive Departments.

HB 397, relative to the permitted use of privies. Referred to Recreation and Development.

HB 205, relative to voter registration by town and city clerks. Referred to Executive Departments.

HOUSE CONCURRENT RESOLUTION

HCR 11, opposing national no-fault insurance legislation. Referred to Rules and Resolutions.

ENROLLED BILLS REPORT

HB 46, relative to the mode of hunting deer in the town of Chester.

HB 90, repealing the limit on horned pout.

HB 103, to provide for the disposition of abandoned aircraft.

HB 104, relative to changing the structure for determining aircraft registration fees.

HB 121, relative to exemption from resident tax of members of the armed forces.

HB 131, relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish.

HB 200, relative to right of entry upon any lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same.

HB 217, relative to removal of junked vehicles along federal-aid highways.

Sen. Provost
For the Committee

SPECIAL ORDER OF BUSINESS AT 1:01

SB 43, requiring persons engaged in the hunting of big game animals to display on their person a minimum amount of color as hunter orange. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. SANBORN: I move that the words ought to pass be substituted for the words inexpedient to legislate in the committee report.

Mr. President, SB 43 is sponsored as a safety measure. At present there is *no* law, rule or regulation in New Hampshire requiring or suggesting that the deer hunter wear some type of protective color. Without some protective color the hunter becomes the target for the illusion that kills — a thing called “early blur.”

Most horrifying of all the facts in the man-mistaken-for-game category of shooting accidents is proof that, given a reasonably well-defined combination of normal physical and mental factors, any intelligent human being, expert or tyro, man or woman, *can see a deer where no deer exists.*

Fortunately for hunters, there is an existing safeguard, one that may almost completely eliminate mistaken-for-game hunting accidents in the future. Only the average sportsman's reluctance to accept a major breakthrough in the field of firearms' safety is roadblocking this advance.

During a 90-day series of tests at Fort Devens, Massachusetts, in 1959, technicians of the Massachusetts Division of Fish-

eries and Game, vision experts of the American Optical Company and several thousands of U.S. Strategic Army Command troops proved that fluorescent blaze orange was the color most likely to insure safety for a deer hunter.

Fluorescent blaze orange was declared best after exhaustive tests proved that it is the only color easily detected by persons with normal vision and by those with varying degrees of color deficiency that fluorescent blaze orange is so completely out of place in nature that it is both immediately apparent and most unlikely to be mistaken for any color in the natural scheme, and that the fluorescents appear most brilliant during the accident-prone hours of dawn and dusk or when heavy shadow destroys much of the available light.

On the basis of the 1959 tests, Massachusetts, in 1962, enacted a law which made mandatory the wearing of 200 square inches of fluorescent red or orange material about the head and shoulders during the deer season.

Red was added at the insistence of one legislator who remained unconvinced that the tests had proved anything new. Although fluorescent red is an adequate safeguard when viewed by humans with normal vision, there are certain persons with sight deficiencies who see it as a dull hue.

The mandatory wearing of fluorescent orange or red has brought Massachusetts through all successive seasons without a single casualty in the mistaken for game category. No Bay State shooting season on record prior to 1962 had been able to boast a comparable safety record. In 1959 4 were mistaken for game, 3 wounded, 1 killed; in 1960 2 wounded and in 1961, 1 was wounded, 1 killed.

This rather stunning success has not been lost upon states which, annually, still find it necessary to list a grim total of human fatalities alongside the deer kill.

Colorado, Iowa, Minnesota, Wyoming and Rhode Island have passed similar legislation.

One man testified that he had been shot at ten times and hit three. Maybe he is willing to take those type of chances with his own life — some persons minds just work that way — they think of themselves — not their family — but do you want to gamble with the life of someone in your family? To save a

couple of dollars? Why take a risk? It doesn't make sense. Maybe Daniel Boone did hunt deer wearing fringed buckskin but he has been dead 150 years. Conditions have changed and we have changed with them.

Sen. POULSEN: I rise in opposition to Sen. Sanborn's motion. I have been shot at in the woods, but I have never been shot at at a church social. Maybe I don't go to the right church. I'm opposed to this for two reasons. One being that I and many like me hunt the old fashioned way you stalk a deer and the less noise or color you make about it the better. We take our own chances doing that. Anything that is that bright flashes and distracts a deer, it shows up a lot sooner than the motion of your arm. Mostly I'm opposed to this because by making hunters wear hunter orange, anyone who is not a hunter becomes a target. In New Hampshire our woodland is interlaced with fields, pastures, roads, lanes, there are people in a lot of these places and anyone moving through an opening that isn't wearing blazed orange becomes suspect — it's not blazed orange therefore it's a deer, shoot it — we had a boy in Bethlehem killed on a bicycle some years ago. A bicycle doesn't look anything like a deer but he was going down the road delivering papers. He showed up through trees and was shot. Now, if you have this "orange hunter" compulsory, I think that it would have to be compulsory for everyone in New Hampshire. Thank you.

Sen. PORTER: Sen. Poulsen, when you become the deer slayer, the deer stalker, tell me, what kind of jacket you might wear, is it a white jacket?

Sen. POULSEN: No, ordinarily red and black, or black and green.

Sen. PORTER: Why wouldn't it be more proper for you to wear a jacket made out of an old deer skin so that you could really blend in with the background?

Sen. POULSEN: I'd be afraid it might get the hide, Senator.

Sen. LAMONTAGNE: Mr. President, I rise in opposition to the pending motion. I personally feel that the remarks that have been made by the Senator from the second district really that I would back 100%. But personally, myself, and I like to go

into the woods and I like to hunt and I personally like to use red. And therefore I don't like orange. And I know of many others who don't like orange and they would rather use red. So, at the same time, I just feel that the red is not so dangerous as this orange because sometimes when the orange and especially when the sun hits it, it gives some kind of a flash and therefore I don't like it.

Sen. SANBORN: Sen. Lamontagne, do you believe that wearing of the red should be required?

Sen. LAMONTAGNE: No, I wouldn't want to see it required because we have nonresidence people who do come in this state here and therefore if we make it compulsory it might be confusing. Now, if it was compulsory in all states then I could see it. We have a lot of hunters that come from out of state and therefore, by making it compulsory when they come here they would not have the right color clothing and therefore would force them to go and buy new clothing to go hunting.

Sen. SANBORN: Sen. Lamontagne, did you say that we have a lot of out of state hunters come in here, would that lead me to believe that they, the states of Colorado, Minnesota, Wyoming don't have any visiting hunters and it is required in those states?

Sen. LAMONTAGNE: I don't know anything about the laws of those states that you so mention. I've seen hunters in N.H. and most of them, I'd say that at least 99% of them either have got orange or they have red and I haven't seen too many of them in the woods with any other color. There might be a little green, but there is some red.

Sen. SANBORN: Sen. Lamontagne, might I say, do you think that Colorado, Minnesota, and Wyoming which are known as big game states don't have any hunters come in from outside?

Sen. LAMONTAGNE: Sure they have hunters, sure they have.

Sen. PORTER: Mr. President, I rise in support of Sen. Sanborn's motion. I think he's laid the case out very well. The arguments that are presented in opposition by Sen. Poulsen are the same arguments in opposition last year when this Body passed this bill essentially as, or as Sen. Sanborn has presented it. It's interesting to note that the State of Maine, or a southern

portion of the state for the use of hunter orange recently changed to include the whole state. They require 360° visibility and they have found that a hat, hunter orange cap would qualify to the letter of the law. I cannot match the case as presented by Sen. Sanborn for hunter orange except to say that it will save a life very possibly, and I would urge everyone to support the motion by Sen. Sanborn.

Sen. SPANOS: Can I ask a question of the Chairman or someone who was at the hearing, relative as to whether or not the Fish and Game Department would be informed on behalf of the bill?

Sen. BLAISDELL: Yes, Sen. Spanos, the Fish and Game Department took no stand whatsoever only that their commission was equally divided on having orange as a color and the Fish and Game Department just didn't want to take a stand.

Roll Call requested by Sen. Porter and Seconded by Sen. Bossie.

Yeas: Sens. Green, Jacobson, Spanos, Trowbridge, Porter, Ferdinando, Sanborn, Provost.

Nays: Sens. Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Blaisdell, Claveau, R. Smith, Brown, Bossie, Johnson, Downing, Preston, Foley.

Result: 14 Nays, 8 Yeas.

Motion Lost.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 79, appropriating certain funds held in escrow by the department of resources and economic development. (Porter of Dist. 12, to Finance).

Introduction of James Nelson, Bank Commissioner, who gave an outline of the functions of the Department.

The purpose of the Banking Department is:

To protect the public interest by securing the safety and soundness of banks and by promoting competition.

The duties of the Commissioner include having general supervision of all state chartered financial institutions such as banks, trust companies, co-operative banks, Morris plan banks, credit unions, small loan companies, second home mortgage loan licensees and other similar institutions.

The New Hampshire Banking Department first began publishing bank reports in 1830. That first report lists 21 banks, the largest of which had \$150,000 in assets. The big job in those days was traveling. How did they get around to banks located in say Lebanon or Lancaster.

The examination consisted of "questions propounded to the cashier under oath." Typical questions could be "How much specie do you have" "Are your loans good ones." The Commissioner and the cashier would enjoy cigars and then the Commissioner would say "I'll be leaving now and you may give me my fee of \$2.00." If you think \$2.00 is a small fee I only point out that bank presidents received no compensation and the cashiers received annual salaries of \$100 to \$300. Bank presidents and other officers do much better today.

General banking laws came in 1869. Up until the Civil War there were only state chartered banks. Then the National Banking Act was passed during the Civil War. This was done in part to finance the war. We now had what is called the dual system of banking, that is both state and federal chartered banks. Most of the state chartered banks were forced to convert at this time from state to federal charter because of the heavy bank tax put on money issued by state banks.

At this same time, around the Civil War in New Hampshire, we also get national banks and mutual savings banks beginning to share quarters. This is unique to New Hampshire. Other states by statute forbid the sharing of quarters. And of course a result of this sharing of quarters was having the same officers and directors in both banks.

In 1967 the Banking Department proposed that interlocking directorships be abolished. The Banking Department was a lone voice crying out in the wilderness. The bill was quickly and soundly killed. Four years later in 1971 a similar bill brought in by a first time youthful legislator was passed. I will make no comment on this act except to read what a previous Commissioner said: "Many of our savings institutions are con-

connected with national banks, having the same trustees and directors and doing the business of the two banks over the same counter. The person, as a director of the stock bank, has a personal interest to look after; as a trustee of a mutual savings bank only the interest of the depositor. It is claimed by the managers of these banks thus connected that the expense of doing the business is much less than if done separately. However, the propriety of this connection may be questioned." I am quoting from a previous Bank Commissioner's report — the report of 1871. Certainly no one should criticize New Hampshire for acting in haste.

Presently we have 23 commercial banks, 30 mutual savings banks, 6 guaranty savings banks, 15 co-operative banks, 40 credit unions. Incidentally, New Hampshire had the first credit union in the United States. A catholic priest was instrumental in getting this credit union started in 1909. It is now about \$22,000,000 in assets and is known as St. Mary's Bank or La Caisse Populaire in Manchester.

We also supervise 83 small loan companies. Many years ago, when they were small, those companies were a constant source of trouble; however, today these are mostly all part of large nationwide chains and give us little trouble. In my opinion New Hampshire has one of the best of the small loan laws. It uses the per diem system of determining rates, the same system as used on home mortgages. It does not permit discounting or add-on methods which result in late charges and refunds under the rule of 78. In large measure this act came about because a man who was involved in the small loan industry for some forty years, upon his retirement, became a New Hampshire representative and worked for revision of the law.

We have 42 second mortgage home loan companies. Prior to enactment of this act the going rate for second mortgage home companies, who were all located out of state, was 42%. If you wonder who would sign a note with interest at 42% we will tell you it was not the fifth grade dropout. It was college graduates who signed in haste without reading. After the note had been running for a few months these borrowers would come into the office angrily demanding that something be done. Actually nothing could be done because the contract provided a stiff penalty for prepayment of the note. The present law permits a maximum of 1½% a month on the unpaid balance or

18 per cent a year. Speaking of rates, New Hampshire is one of two states that does not have a usury law. New Hampshire gave up its usury law back in 1921 when money went down to Boston for better rates.

We also issue licenses to approximately 330 retail sellers. This pertains to the selling of automobiles under installment sales. Presently competition keeps the interest rate below the maximum permitted by law.

New Hampshire enacted in 1931 a legal list which gives the securities which savings bank may legally buy. This list is now also used by town trustees, co-operative banks, domestic insurance companies, the state retirement board and many others. No legal list can possibly satisfy everyone. There are complaints that it restricts too severely, that certain blue chip issues are not included, but overall I believe it has served its intended purpose and it is without doubt the most liberal of all the so-called legal lists. I can only say that if the list did not permit you to buy Xerox or Polaroid at its early stages of growth, neither did it allow you to buy Penn Central when it was recommended by supposedly knowledgeable people. On balance, in using the list, you won't double your money in a year, but you will not lose your principal either.

We get numerous people coming in person or mailing letters registering complaints. Some of these get quite involved. Anyone listening to these complaints will quickly believe that all bankers are S.O.B.'s until you hear the other side. As for trouble there is nothing like a man and wife on the point of separation explaining to you who is really entitled to the balance in a joint account.

We have to keep on top of all legislation pertaining to the various institutions supervised. We also have legislation introduced for us. One that you will get shortly provides that no more favorable loan terms be granted to the officers and directors of a bank than to others.

Another bill will have to do with certain positions in the Department. For forty years there has been a Commissioner, Deputy and Assistant Commissioner. The Commissioner and the Deputy are appointed by the Governor and the Council. Back in 1959 the then Commissioner got the law to read as follows: "There shall be an Assistant Commissioner who shall be

appointed by the Commissioner. He shall serve at the pleasure of the Commissioner". This job should be filled by one of the Examiners. It pays better and is an interesting job. However, no Examiner wants to leave the security of a classified position for the job which is at the pleasure of the Commissioner. They say they would be interested if I was always the Commissioner; but they cannot depend on future Commissioners — which, of course, sounds good. I have requested the job of Assistant Commissioner be abolished and that in its place we have a Chief Examiner who would be a classified employee. What is essential in this Department is to have some top man who remains in the Department over the years and who knows most of the answers through experience.

The Board of Trust Company Incorporation receives petitions for new banks, branches and increases in capitalizations. Four banks and four branches were granted in the past year. This involves considerable work in surveys and hearings. To make a determination as to whether or not a new bank will be successful, based on estimates, is difficult to say the least and, of course, there is usually as many against as for approval.

We are usually involved in some lawsuit. Presently there are three appeals. We acted as a master in the petition for consolidation of the Berlin National and City Savings Bank of Berlin. We found for approval. This is being appealed on constitutional grounds. The approval for a new bank in Seabrook is appealed on the grounds of our being capricious, arbitrary, etc. On the so-called N.O.W. accounts we stated that we found no violation of the state banking law in using these accounts. This is being appealed.

The major part of our work is the examining and sending reports to the banks. We have 16 examiners to do this work. I am not going into detail on their work — it gets too involved. I will only say it is extremely difficult work and any of thousands of transactions can throw you. A voluminous report goes back to the bank's directors. The first pages state what we have to criticize and asks that the directors reply telling us what they are going to do about these comments. Their replies will be checked at the next examination. I will point out that New Hampshire is the only state where the examiners will not only make an examination but will make an audit as well, and also New Hampshire is one of three states, the other two being

Connecticut and New York, where the annual Commissioner's Report gives the operating accounts as well as the assets and liabilities. You probably won't appreciate this extra work unless you are an accountant.

Yes, we still have problems with people embezzling. For the most part restitution is made and folks go on probation. How some of these people, after being employed for say six months, can figure out a scheme to embezzle on say the clearings, mystifies me. We can only recommend new accounting procedures to prevent future occurrences, but some one will figure out something else. These things are bad but they are comparatively of short duration and involve comparatively small amounts of money.

What really worries us is when you have to arrange for a meeting with the board of directors because of certain problems concerning errors in judgment. Problems resulting from say a typical 'one-man bank'.

The one-man bank means just that. An executive officer dominates the board so that the members are ineffectual. This officer believes that accepted practices and rules are for others. He is above them because he is smarter. This is the type that really worries you.

Banking continues to change very fast. In the very near future, we will cut out very substantially the use of checks. Most exchanges of money will be done by electronic impulses. A person's salary will go directly to his bank, so much will be directed to checking, so much to savings, bills will be paid by the bank.

There will be a 24-hour banking. By means of a plastic card you will be able to deposit, withdraw, get change, etc. through a machine. There are over 700 of these machines already in operation. You will carry very little actual money. Purchases will be by card. Pity the poor robber, who mugs a person; holds up a gas station and then finds no cash. Eventually the bank examiners will not visit the banks. They will stay in the office and review the output from the computer located in Boston or New York. Most people don't as yet appreciate the wonders of the computer. Enough to say that the fifth generation of computers will do in one second what it would take an accountant to do in 30,000 years.

Banks will get to be more and more alike. The commercial bank and the so-called thrift institutions made of savings banks, savings and loan associations and credit unions will all offer the same services.

All types of banking are growing incredibly fast. Forty years ago the average man might go into a bank once in his life time for a loan — a mortgage on a home. He would have saved approximately one third of the purchase price to put down. Today's young couple goes in with savings of \$200 and agree to pay monthly for a \$30,000 home. Once they reach twenty-one folks are looking for credit, credit for all kinds of things, say a week to be spent in London or Paris. The old time virtues of thrift are for the folks past 50. The youngsters want the good things in life now and who is to say that it is wrong. The banks are growing very fast. Every year they increase in deposits 15, 20 and 25% and this worries us. Why? Because it throws the reserve ratio out of line. When your deposits increase 20% your reserves do not increase at that same rate. They increase at a smaller rate because of a time lag in earnings. Therefor, a bank that had a ratio of say 10% in reserves, over a few years gets down to a ratio of say 7% or lower. You must maintain suitable reserves. We would like to see a smaller growth in deposits for the next couple of years. What is one of our bigger problems so far as the Department itself? It is salaries. Our examiners go into these banks with the federal examiners. They sit opposite sides of the table doing the same work, exchanging worksheets. If anything the state examiners have the harder job. They have to know the law and procedures for several different institutions whereas the federal men specialize in one type of institution.

When I first came into the Department the state examiner got \$2000 annually and the federal man got \$2100 a difference of 5%. Today the difference is 35 to 40%. A few years back we lost 3 men in one year to federal agencies. Examiners, after being with us for 1 or 2 years, would leave to go with the federal agency. We served as a training school. We hear about discrimination on salaries between women and men doing like work and it is being corrected. Why the state examiner shouldn't get a salary comparable to the federal I cannot reconcile or justify. States like Connecticut and New York meet the federal standard on salary but we in New Hampshire will eventually be licked in getting capable men in the future. Our actual

budget for the year ending 6-30-72 was \$330,000. This was all paid by the Banks.

Do we need a Banking Department? So long as we have banks, a monetary policy and human nature being what it is the answer is yes.

Sen. BRADLEY: I was interested in all your comments. As I understood it, did you predict that all banks would eventually be doing the same things, did I understand correctly that you mean that all banks would be like full service banks?

Comm. NELSON: I believe that would be true in a very short time and I'd be willing to guess within seven or eight years. Every year in the past has been more or less trying to get what the other one has and what with electronic impulses it would be necessary for all the banks to have this because the money goes directly to one type of bank on salary check, the other bank will not survive. So they all have to have that way of getting the money and they will all have to offer the same services and I believe and most everybody agrees that that's what is going to happen.

Sen. BRADLEY: How is that going to come about legally where we have the National Banking System, Federal National Banks, Savings Banks, does this involve some legislation we are going to be called upon shortly to consider or better legislation?

Comm. NELSON: Yes, I believe that the banking taxes will have to be liberalized for so-called thrift institutions which are the Savings and Loans, Credit Unions, Mutual Savings Banks, etc.

Sen. JACOBSON: I want to ask a question about the NOW accounts with regard to the reserve requirements of which you mentioned the problem accounts of the diminishing reserves. They've always had a differentiated one because of the time deposit factor. With NOW accounts will there not be a requirement if they increase their reserves?

Comm. NELSON: There should be, Senator, certainly. If they're going to have NOW accounts which I think they will eventually, yes. They should have the same reserve as required by the National or the State Chartered Commercial Banks.

Sen. JACOBSON: I noticed that the cue regulation is

about to expire, I believe June 30, do you have any view as to its continuance or how do you feel about it?

Comm. NELSON: I believe that it has already been extended for one year.

Sen. JACOBSON: Should it be firmly set up in that way then?

Comm. NELSON: I believe that eventually you will have to banish the tax, it will be competition in terms of the rates.

Sen. CLAVEAU: Does the state have any jurisdiction or supervision over national bank in N. H.?

Comm. NELSON: No, we haven't any at all.

Sen. CLAVEAU: Are they audited by national agencies? Are they audited and supervised by national agencies only?

Comm. NELSON: They are only audited by the Federal examiners.

Sen. CLAVEAU: Do you think that the interest rate will go down eventually?

Comm. NELSON: Not in the next three or four months.

Sen. S. SMITH: You were discussing briefly the so-called checklist society. You indicated there were 300 installations, now this was on a nationwide basis, is this correct?

Comm. NELSON: I said, 700.

It's actually a machine that stands outside or anywhere, at the supermarket, and if you have a plastic card you can utilize that machine.

Sen. S. SMITH: Are there any installed in the state now?

Comm. NELSON: No there isn't but I believe that there will be shortly.

Sen. TROWBRIDGE: Commissioner, two or three years ago, or maybe four years ago. *Fortune* had an article I think, on the New Hampshire Banking community, are you familiar with that article?

Comm. NELSON: Yes.

Sen. TROWBRIDGE: In that, I was curious, the criticism

was made of the N.H. banking community that we really didn't have that many loans outstanding and was not supplied, the cities and towns and industries with the money the creditors needed. Do you have any comment on whether that's changed in the last four years or within that time.

Comm. NELSON: That article was more or less criticizing one bank, one bank that was putting most of its money or at least half of its money on loans outside of N.H., and that bank does seem to have an argument that they have gone in and supplied all those who came and they have surplus funds and that's the interest outside of the state.

Sen. SPANOS: Commissioner, can you tell me why the State of New Hampshire imposes an audit charge on all the Savings Banks and then the Federal Government also charges for an audit charge when they do comparatively the same things?

Comm. NELSON: You're asking about the Federal Deposit Insurance Corporation who doesn't agree with me. Well, actually, what I believe they should do, if a state does have a good banking department, then the Federal Agency ought to accept the state examination. They could do that. Once they get to a certain size in which they have a certain number of employees they seem to want to retain those people. There's no reason in the world why they couldn't accept our examination, and in fact, some of them recommend it.

Sen. PRESTON: Yes, Commissioner, did you say that your position on that bill refers to banking officers and directors getting more interest rates.

Comm. NELSON: Yes, that was put in by the banking department. In the past, bank officers and directors have been able to have a preferred rate, and in some cases, I believe that this has been abused. If we go into Massachusetts we find that you can't even get a loan from the state from the same bank you are with and it is a very small group of banks, less than five percent that abuse the privilege.

Sen. JOHNSON: Commissioner, in regards to NOW accounts, do you think that the banks that issue NOW account checks should be subject to the same restrictions such as income taxes, reserve for bad debts and all sorts of things as National Banks are?

Comm. NELSON: Well, actually, I don't know how active the NOW accounts are going to be. Actually they haven't reached any size so far in this state. I think it's about a million and a half, and considering we have over a billion purchasing institutions, this is a very small amount. Actually if we go to New Jersey or some other state that does allow checking accounts which are more or less like NOW accounts in the Savings Banks, it's a very small minority that utilize that type of bank. In fact on average in New Jersey, it's about $2\frac{1}{2}\%$ of the deposits that are in checking accounts. So the Savings Bank still remain predominately Savings Institutions that do not go in on the checking accounts. And you are asking should they have the same income tax, I think that once we get to have the banks all audited that will follow. They all will have the same tax.

Sen. PORTER: I move that the Senate adopt the Joint Rules as reflected in the information on each Senator's desk.

Sen. PORTER: Mr. President, as you remarked earlier, the purpose of the motion is to floor the action so that we may discuss these Joint Rules which are before you. It is my intent that the members of the Senate have the opportunity to discuss them today, ask questions of Sen. Downing or myself or other members of the Joint Rules Committee, and hopefully table these for action tomorrow.

Briefly, on the Joint Rules, several members of the Senate have been on an interim-committee which look at Joint Rules. There are four of the Joint Rules which are before you which I think need your specific attention which I'd like to either address myself or call on someone else to address today. The first one being on page 2, and this is Rule No. 10, on the bottom on the right side. These are the proposed new joint rules and the question of contention here which I think Sen. Downing might like to consider and discuss when I finish is the House requiring they shall take final action on the non-originating body, I'm sorry, the originating body not later than the fourth Thursday in May. That being May 24 of this particular year.

It was the contention of most of the Senators in that committee that we should really get an extra week on which to add. We were out-voted by the House members and so it appears as it is shown there the fourth Thursday in May. I would point that this date is the last date that the Senate will be on its out of town

session and you might want consideration of having — I've said that whole thing backwards — we wanted it to be the third Thursday and the action here calls here for the fourth Thursday which Sen. Downing is opposed to and several of the other Senators also. This also would give us this opportunity to disclose of bills which do originate here in the Senate. That is one point to consider. The second point of the Rule 20 on page 7 to which Senators added upon the suggestion of an amendment by the president the last phrase on the Rule 20 which starts "Unless good cause for exception to such limitations further existed in the opinion of the committee. This would put him so that committees of conference would have the option, if in their opinion that they should make certain exceptions, they might have to put in some sort of footnotes to compensate for certain Federal dollars which would be compounded or otherwise not available. This phrase we expect would take care of that contingency.

On page 8 on rule 20, is a new rule which was added and agreed upon by both the House and Senate Members. This takes into account the situation that the Senate may come back and briefly rule, the Senate may come back within a period of not less than five days after the five day period during which the Governor may sign or veto a bill as provided in the constitution. It provides the ability for both the Senate and the House to reconvene and act and take action either in concurrence with or opposed to the veto.

Finally, Rule 29 as proposed by your Senate Finance Chairman, Sen. Trowbridge after great long discussion and several different versions, Rule 29, I would like to defer to Sen. Trowbridge who can explain Rule 29 more clearly than I. At this point I would like to call upon Sen. Trowbridge if I may.

Sen. TROWBRIDGE: Thank you, Sen. Porter. Rule 29 is an attempt by me to put in the Joint Rules a mechanism by which we can overcome the very bad effects of what has been known as Black Friday, or Black Thursday in the House. That is for the new members, the time at which the House has a deadline, let's say the third Thursday in May, at which all bills that are originated in the House have to come over and the appropriations committee of the House is usually holding twenty or forty bills which could contain appropriation and on that one day all of them come over to the Senate, all those that

pass, let's say half of them pass and half don't and the next day the Senate is flooded with bills and appropriations which then have to go on to the floor of the Senate, to the appropriate Standing Committee of the Senate for policy judgment as to whether we want to pass the bill or not on the floor of the Senate, if they're passed and they have an appropriation in the Senate Finance and back. So, it just puts a tremendous administrative or legalistic burden on the Senate.

To bypass this, I propose that anytime, and this is what Rule 29 is trying to say, and they apply both ways, House and Senate, but let's use the House, for example, that if a bill passes through the House and under the rules carry appropriations, it is sent up to the appropriations committee. It's a regular bill but it carries an appropriation like establishing Department of Housing or something like that. At that time, when it has been on second reading, open to amendment in the House and Central Appropriations, a second copy of that bill, that House bill, can be messaged into the Senate. This could be happening right now. It is referred to the appropriate committee, Judiciary, Finance, Insurance, or wherever it's supposed to go. They may hold a hearing on it. They don't have to, but they may hold a hearing on that bill at that time and at that point the bill rests in the Senate Committee, the original Senate Committee, until you see whether the House really passed the bill. There's no point passing it here if they're going to kill it in the House. But, come the end of May, when let's say the House does pass that bill, you have for purposes of our rules of having to have referral and public hearings, you have those all done so that on that day the Senate Committee will say, I've got these bills here and we've had a Public Hearing, then, at that point we can go forward to the process in the Senate if the committee decides to vote it out.

So, it is a means of bypassing some of the problems in the end of the session and it doesn't take away any authority of the Senate to handle the bill in any manner they want. If it hadn't been for the fact that they put in Rule 29, I would have been much more insistent on having the deadline for originating bills coming in here earlier, like May 15. But, if Rule 29 is adopted it will give Senate Finance and your other committees enough time to handle the burden in that we will be ahead of the game. Thank you.

Sen. PORTER: Mr. President, just to wrap this up those are the four major areas of which the other Senators might have questions about and I think that Sen. Trowbridge could explain Rule 29. I will be happy to try to answer questions relative to any part of it.

Sen. DOWNING: Mr. President, the last time we discussed Joint Rules in this chamber, the members of the Senate had several suggestions and I would just like to point out the considerations they received and the final status. Sen. Smith indicated concern with the area of Rule 10 and 19 relative to dates, which many of us were concerned with. This hadn't worked out as had been suggested by the Senate. In the area of Rules 13, 24, and 25, Sen. Foley suggested equal membership in the Senate and the House. This hasn't worked out either. This is not acceptable and the members still remain unequal. A committee of conference reports Sen. S. Smith has suggested that we copy these replacement seats and that Rule has been retained. It is under Senate Joint Rules now. Rule 26, a suggestion by Sen. Sanborn supports joint sponsorship of bills that's been incorporated in Rule 26, and Sen. Trowbridge's suggestion you just heard from, so, and the clarification of legislative days requested by Sen. Jacobson has been incorporated here in Rule 27. As Sen. Porter touched on the area of the footnotes on the appropriation bill that we now have a gaping loophole.

Sen. S. SMITH: Under the Rule 10 however, you say that you didn't make much progress and as I read it I may not be reading it very accurately, it looks like we have one more week between the origination and final action on the non-originated policies.

Sen. DOWNING: Now it was suggested the recommendation was the second Thursday. We tried to compromise on the third Thursday and then got the fourth Thursday.

Sen. S. SMITH: But before you had two weeks, now you've got three, right?

Sen. DOWNING: Yes.

Sen. S. SMITH: And this with the new Rule No. 29, which I don't understand, I gather would help to some degree in regards to Rule No. 10.

Sen. DOWNING: This seems to be the thinking Senator.

Sen. FOLEY: Must we adopt these rules that are made up of eight people in the House and four in the Senate which certainly wasn't equal. We are not getting equal representation in committee of conference or anywhere else in regard to these rules. Is there anything that says we must adopt these rules?

Sen. PORTER: Not so far as I know, Sen. Foley, nothing. I think we could continue to work and try to use these as a guideline but there's nothing that requires us to adopt Joint Rules.

Sen. FOLEY: Thank you.

Sen. S. SMITH: Sen. Porter, has the rule relative to the unanimity of committee of conference reports, has that been modified at all?

Sen. PORTER: No, it still requires unanimous support.

Sen. BRADLEY: With respect to the proposal of twenty-eight, I am wondering if that is going to take away a Governor's power of pocket veto at the close of the session, automatically.

Sen. DOWNING: In essence, that is what it will do, the legislature is reserving the last word for itself.

Sen. BRADLEY: But even without having to override the veto isn't the effect of this to prevent the Governor from being able to so call pocket veto. If he refuses to sign the bill during the session, it becomes law, if he refuses to sign the bill and the session ends, then it is a veto, the same effect as the veto, but we're taking away that power by this rule.

Sen. DOWNING: I don't think it prevents the Governor from doing anything. It just permits the legislature to respond to something.

Sen. BRADLEY: I understand that we would have the right to respond, the question was, even if we, just by adopting this rule or by in fact not adjourning for a period of more than five days, currently, after we have given him the bill, we don't thereby take away his power of pocket veto.

Sen. DOWNING: No, I don't believe so Senator. I don't like to think that it would take away any power of the Governor.

Sen. BRADLEY: Well, if we give him the bill on day one, being our last business day, and then do not adjourn perma-

nently, we are then in session, which would mean that he could not veto a bill by refusing to sign it. Isn't that true?

Sen. DOWNING: I don't believe so, I don't know how to answer, Senator. Would somebody else care to respond to Sen. Bradley?

Sen. PRESTON: If we are a co-equal branch of legislative power in the state, there are eight members of the House on this committee and four members of the Senate, are we conceding this fact that we are co-equal in making this determination?

Sen. DOWNING: Well, partially so, Senator, except for the fact that it has to be a unanimous decision. One Senator, for example is equal to four or five Representatives. There is a lot of merit of having the same number on a committee of that type and I sympathize with it. Apparently the Senate has suffered for less.

Sen. TROWBRIDGE: May I comment for Sen. Preston? I think that it is important to realize that although the committee may be eight to four, it's not voting eight to four, there's no such vote at these kind of negotiations. The House is a block and the Senate is a block and I would say that it's just Arthur Drake and the appropriations committee over there, and I quite sympathize with them, if I were in their position I'd do exactly what he's doing. He wants a maximum amount of time to take care of the hoards of bills that are going through the House and so he won't budge any further than the fourth Thursday in May and we can vote all we want in the Joint Rules negotiations but if one side won't budge, we just have to make up your mind whether we go along with it. So, I'd hate to have you feel that somehow were always out-voted, it's not that, it's just that were recognizing that for that one they give in. They gave in on some others.

Sen. PRESTON: It's just a question of equal branches of government and I don't think that we should concede that there should be eight members. It shouldn't make any difference to them. I don't understand why there couldn't be eight members in each or four members in each if everyone is looking at the big picture.

Sen. TROWBRIDGE: There can be, it's just historically been that there are more members over there, there are people,

a speaker, a deputy speaker, the majority leader, there are more people involved that's all.

The CHAIR: May I make a suggestion and it is not to state an opinion one way or another over with the lead of the Senate. There was one argument that was made during discussion of this very nature which took place among members of the committee referred to and that was that House Members each represent approximately only eighteen hundred people, whereas Senators represent thirty thousand people. To some extent their feeling is that if they have say three members on a committee they are only representing say at the most six thousand whereas we have two members and sixty thousand people being represented and this to some extent is the logical explanation of their desire to have one more member and if we also felt somewhat that if it didn't make a great deal of difference because in a Committee of Conference situation you've got to have an unanimous vote anyhow. I may say that the Senate side of this committee certainly shared the sentiment being expressed in your question. Thank you for allowing to explain some aspects of Sen. Smith's statement.

Sen. S. SMITH: I would like to just add one point to this. In regards to your comments Sen. Preston, I think that the two Houses are equal in the ultimate actions. This House can pass a bill or can kill it, just as the other House can. We also have certain advantages in regards to — I think that probably one Senator is worth probably sixteen House members — this is about the proportion. I think also, that the way the Committees of Conference develop and work gives the Senate equality with the House. I think law numbers is not necessarily an indication of equality.

Sen. DOWNING: Mr. President, the purpose setting forth how I feel about the Joint Rules, Rule 19 and the date on it, I was more concerned with it than I am now after the adoption of Sen. Trowbridge's suggested section here being Rule 29. The area of Rule 10 can still be improved upon. We recommended the two weeks earlier even if we pick up a week. This is in the originating House clearing out their bills and getting them to us, so mainly it's the House sending their bills that originated there into us for final action. In the last session I think that we had something like 120 bills come out of the House on the last day here. Now you know how many committees we have

to handle that 120 bills and we sent 40 over there, so there is something out of balance here. There is no reason why we were just getting the budget bills and everything else in May and June that suddenly we have to have this great load of bills coming out of the House that they've sat on over there for one reason or another until the last minute and then start pushing them out the last day. Then if you don't give them proper consideration they feel that you're abusing them for some reason or other and it is all their making. I think this is probably an area we ought to look into. If we can pick up an extra week we ought to pick it up.

Sen. TROWBRIDGE: I would just like to say one other thing. I think there is a misconception in many people's mind that the problem is the budget bill. Historically the budget bill is not so much the problem, as Senate Finance knows we are doing it right now, and it's sort of understood that you operate intent on the budget bill. That isn't our big problem. The problems are these special bills like the HB 50 of the Special Session with the Winnepesaukee Basin Control. You have a problem as to whether you want to do the project, whether it's good policy, and you have the problem then of the money and this is what Sen. Downing is saying. These are the ones they dump in May and that is what makes the problem, not the budget bill, it's the specials.

Sen. POULSEN: I move that the proposed Joint Rules be laid upon the table.

Adopted.

PERSONAL PRIVILEGE

Sen. POULSEN: Mr. President, earlier in the season I discovered my name was spelled wrong and being a minority link in the chain you might say, I timidly asked it be changed. After a period of a week, say, I again asked that it be changed — a little longer perhaps — and then again another couple of weeks still longer — but I now find that by going through the Probate Court I can get my name changed and I withdraw my request.

COMMUNICATIONS

SENATE PERAMBULATIONS

To the Editors: The N.H. State Senate met in Nashua last

night and I was very impressed to see Republicans and Democrats debate the pros and cons of impending legislation.

More impressing than that, however, is the fact that our State Senators (who merely get paid \$100 a year) are willing to take the time to come to the people. This is not only praiseworthy but shows true dedication to the people of New Hampshire.

To those people who claim this is a "road show" and is politically motivated, I say those people are hitting below the belt.

True democracy requires total citizen participation in the functions of government. All the Senate is trying to accomplish is make it a little easier for the citizenry to see its government in action and hopefully arouse a little interest in the people concerning its government.

This letter is merely meant to show my support for the Senate's efforts in this respect but, also, to thank the Senate for caring enough and sending the very best Senators to Nashua. I know of no other Senate in the U.S., including the U.S. Senate, as dedicated as the N.H. Senate.

Carmen C. Chimento

40 Cox St., Nashua

March 12, 1973

Dear "Dell",

Thank you so much for all you did to obtain the Resolution for Morton Webber last Wednesday.

He was so surprised and pleased for the recognition. When he returns from Florida he will pay the Senate a visit.

Morton plans to attend the Senate session in Salem on April 12th.

Pease convey my personal thanks to President Nixon and Clerk White.

Sincerely,

Pat Skinner

March 8, 1973

Honorable David L. Nixon
President of the Senate
State House
Concord, New Hampshire 03301

Dear David:

I wanted to acknowledge the receipt of the Senate Concurrent Resolutions regarding the pass through of the Social Security increase and the changing of the holiday dates of Memorial Day and Veterans Day. The Resolutions have been presented to the Senate and have been referred to the Committees on Finance and Judiciary, respectively.

The solid support of the General Court is most welcome in both of these difficult matters that I know are of real and deep concern to the people of New Hampshire. You may assure the Members of the Senate and House of Representatives that I share their concerns, and will continue my own efforts to assure our elderly a decent retirement while continuing to resist meddling with our national holidays.

My best to you always,

Sincerely,

Norris Cotton
U. S. Senator

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time and that when we adjourn we adjourn until tomorrow at 1:00.

LATE SESSION

Sen. POULSEN: I move reconsideration of SB 43 at this time and urge you to vote no.

Motion lost.

Sen. Preston moved the Senate adjourn at 2:45.

Wednesday, 14Mar73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh Lord, help us this day to share our thoughts and ideas with each other. Do not let walls of silence grow between us, as we work together. For as we talk, new fields of communication are open to us and we see ourselves growing in understanding and grace!

Help us to find the good and right solutions to all our problems, that we may go forward with a light heart, secure mind and a conviction of a day's work well done.

We ask all this in Thy Name. Amen!

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mrs. Louise Murphy and Mrs. Amy Nordstrom.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 80, providing for district court prosecutors for all criminal trials and probable cause hearings. (Sanborn of Dist. 17 — To Judiciary.)

SB 81, establishing a commission on children and youth; and making an appropriation therefor. (Jacobson of Dist. 7 — To Executive Departments, Municipal and County Governments.)

SB 82, providing for the standard allowance payable to a teacher member of group I under the New Hampshire Retirement System to be a modified cash refund and making an appropriation therefor. (Foley of Dist. 24; Downing of Dist. 22 — To Education.)

SB 83, relative to establishing a study committee to determine feasibility of having domestic relations matters heard before the probate courts. (Bossie of Dist. 20 — To Judiciary.)

SB 84, providing compensation for conservation officers injured in line of duty. (Smith of Dist. 3 — To Banks, Insurance and Claims.)

SB 85, relative to maintenance of bridges on class II highways. (Sanborn of Dist. 17 — To Public Works and Transportation.)

SB 86, providing for the issue of special press plates for the news media. (Lamontagne of Dist. 1 — To Public Works and Transportation.)

SB 87, providing state grants to assist the school staff development programs and making an appropriation therefor. (Green of Dist. 6 — To Education.)

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 345, relative to licensing and restraining dogs. Executive Departments, Municipal and County Governments.

HB 348, relative to notice of hearing by zoning board of adjustment. Executive Departments, Municipal and County Governments.

HB 391, relative to abolishing sterilization of epileptics. Public Health, Welfare and State Institutions.

HB 423, relative to the board of examiners of nursing home administrators. Public Health, Welfare and State Institutions.

HB 359, relative to the limitations on the loaning authority of Cooperative Banks, Building and Loan Associations, and Savings and Loan Associations. Banks, Insurance and Claims.

HB 389, increasing certain penalties for forest fire violations. Recreation and Development.

HB 421, relative to the appraisal of and payment for diseased animals after their condemnation. Recreation and Development.

HB 163, relative to the compensation paid to members of county conventions. Executive Departments, Municipal and County Governments.

HB 343, relative to the disposal of dog license fees. Executive Departments, Municipal and County Governments.

HB 370, relative to the appointment and removal of medical referees by the county commissioners. Executive Departments, Municipal and County Governments.

HB 449, relative to the establishment of reserve funds. Executive Departments, Municipal and County Governments.

HB 263, repealing the statute relative to sewage disposal systems on islands. Public Health, Welfare and State Institutions.

HOUSE JOINT RESOLUTION

HJR 13, making an appropriation to the New Hampshire Hospital Auxiliary. Referred to Banks, Insurance and Claims.

HOUSE CONCURRENCE WITH SENATE AMENDMENT

HB 122, providing for rules of professional conduct in the practice of engineering.

Introduction of John T. Flanders, State Comptroller, who presented an outline on his department.

A. Organization of the Department of Administration and Control

Authority for the organization of the department of administration and control is found in chapter 8 of the New Hampshire Revised Statutes Annotated:

Department Established

There shall be a department of administration and control under the executive direction of the comptroller. Said department shall consist of a division of budget and control, a division of accounts, a division of purchase and property, a division of investigation of accounts, the New Hampshire distributing agency, and a division of records management and archives.

Powers and Duties of the Comptroller

1. Executive officer of the department.
2. Organizes the work of the department and appoints personnel of the department subject to applicable laws and regulations and available appropriations and funds.

3. Directs and supervises the various divisions of the department.

4. Furnishes to any committee of either house of the legislature having jurisdiction over revenue or appropriations such aid and information regarding financial affairs of the state as it may request.

5. When so authorized by governor and council, makes transfers of appropriations within any division or functional unit.

6. Discharges such other responsibilities as may be imposed by law.

Division of Budget and Control

No. personnel

5 Unclassified

3 Classified

Business Supervision

The comptroller shall:

1. Act as director of this division.

2. Conduct a continuous study of financial operations, needs, and resources of the state.

3. Formulate a budget plan and assist the governor in the preparation of a tentative budget.

4. Review and report to the governor in the operation of the budget plan.

1973 Approp. 1,704,051 gross

OASI 1,250,500

Ind. Def. 140,000

N.E.Bd. H.Ed. 128,394

169,657 Net (includes Bus. Sup.)

Fireman's Relief 3,600

NE Reg. Comm. 49,000

Gov. Budget Prep. 7,000

5. Cooperate with the department of public works in long-range capital planning as requested by governor and council and subject to their approval.

In addition to these duties the comptroller is charged with the responsibility for supervision of the following divisions of his department as outlined in the manual.

- Division of accounts
- Division of investigation of accounts
- Business supervision
- Budget and appropriations
- Division of purchase and property
- New Hampshire distributing agency
- Division of records management and archives

B. Organization of the Division of Accounts

1 Unclass.

16 Class.

Authority for the organization of this division of the department of administration and control is found in chapter 8 of the New Hampshire Revised Statutes Annotated:

1. The division is under the executive direction of a director of accounts with the following duties:

- (a) Prescribe a uniform system of accounts and reports.
- (b) Prescribe accounting methods for the receipt and deposit of revenue.
- (c) Install and maintain a system of central state accounting records.
- (d) Maintain a system of encumbrance accounting.
- (e) Review all state contracts for budget control.
- (f) Subject to approval of governor and council, establish a manual of uniform rules and regulations providing for manifesting and accounting procedures.
- (g) Pre-audit all claims to be presented for the issuance of warrants and certify to the governor and council that such are just and proper claims against the state and within the appropriations provided by statute.
- (h) Control the payment of all moneys into the treasury.
- (i) Prepare appropriate warrants, and schedules of pre-audited manifests supporting same, for the consideration of and

execution by the governor with the advice and consent of the council.

1973 Approp.	370,578 Gross
	182,605 — Data Process
	<hr/>
	187,973 — Net — Div. of Accts.

(j) Make appropriate departmental and agency budget adjustments when supplies or equipment are transferred between departments and agencies.

(k) Make appropriate department and agency budget adjustments for services performed by the department of public works.

*C. Organization of the Division of Investigation
of Accounts*

8 Class.

Sup. by Asst. Bus. Sup.

Authority for the division of investigation of accounts is found in chapter 8 of the New Hampshire Revised Statutes Annotated:

1. An asst. business supervisor serves as director subject to the direction and supervision of the comptroller with the following responsibilities:

(a) Make recommendations to the director of mental health for the New Hampshire hospital and Laconia state school and to the director of public health for the state sanatorium as to the rates to be charged.

(b) Investigate the payment ability of any patient at these institutions and/or a father, mother, son, daughter, husband, or wife of said patient whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with health and decency.

(c) Submit monthly to the director of mental health or director of public health any changes in the schedule of rates based upon the payment ability of the patient or inmate or those legally responsible.

(d) Report montly to the director of mental health or the

director of public health any facts or information which bear upon the domicile of patients or inmates.

1973 Approp. 72,606

Persons Chargeable

Patient and/or father, mother, son, daughter, husband or wife.

Support Order

Upon a petition for support in the name of the state, the superior court may enter an order requiring persons legally chargeable for the support of a patient or inmate to contribute to the support of such patient or inmate.

Expenses

The state is entitled to recover expenses of any inmate or patient at such institutions, or at the direction of public health, from the patient or inmate, if of sufficient ability to pay or his estate, or from those persons legally chargeable with his support or their estate.

Regular Rate

The director of mental health shall establish a uniform monthly rate to cover the expenses for care, treatment, and maintenance of their patients and inmates at the New Hampshire hospital and Laconia State school. The director of public health shall establish a monthly rate to be charged at the New Hampshire state sanatorium, Crotched Mountain and division of alcoholism.

Partial Charges

Each director may charge less than full rate when he finds that a patient or relative is able to bear only a portion of the expenses based upon consideration of the recommendation made by the division of investigation of accounts. The recommended rate shall be charged by the comptroller if the director of mental health or the director of public health shall not establish a different rate following the month in which the recommendation was presented.

Support by the State

Any patient or inmate of such institutions or at the direction of the director of public health who has no means of support and no persons chargeable for his support shall be supported by the state.

D. New Hampshire Distributing Agency

Authority for the organization of this agency of the department of administration and control is found in chapter 284 of the laws of 1957.

1. The agency is under the executive direction of a director with the following duties:

(a) Subject to the supervision of the comptroller the director shall organize and supervise the office staff of the agency; shall request, transport, receive, warehouse, allocate, enforce compliance, and deliver where deemed expedient any federal

Surplus Food	\$112,292	12 Class.
Surplus Prop	37,421	3 Class.

surpluses made available to the state by the federal government. The director is authorized subject to approval by the comptroller to execute all contracts, agreements, leases, or other documents necessary for the operation of the agency in accordance with the regulations and directives of the federal government.

2. The agency is to be financed in the following manner:

(a) The director of the agency, subject to approval by the comptroller, is authorized to assess fair and equitable charges against any recipients receiving any donated surpluses from the agency. Such charges shall be sufficiently high to defray all administrative, warehousing, processing distribution, and transportation costs incurred by the agency and to allow the accumulation of a working capital reserve equal to the cost of six (6) months' operation of the agency. The work of the agency shall be so conducted that there is no expense on the state. The integrity of the funds accumulated in each program and the expenditures thereof shall be maintained on the books of the agency, the comptroller, and the office of the state treasurer at all times.

E. Business Supervision

Authority for business supervision is found in chapter 8, New Hampshire Revised Statutes Annotated 1955 as follows:

Duties — Business Supervisor

Funds includ. under Budget & Control

Advise with the respective executive heads, boards, and commissions of the various state departments in relation to establishment, supervision and maintenance of uniform and efficient business records, business practices and business management, and to perform such other duties of assisting state departments as the comptroller may require of him.

G. Division of Purchase and Property

1 Unclass.

19 Class.

includes Warehouse Div. 2

Switchboard Div. 3

Authority for the division of purchase and property is found in chapter 8 New Hampshire Revised Statutes Annotated as follows:

1. Purchase all materials, equipment, and supplies for all departments and agencies of the state, except as otherwise specifically provided by law.

2. Formulate and make available rules and regulations for the administration of the division.

3. Develop standard specifications for items regularly purchased.

4. Inspect and test deliveries for compliance with purchase orders.

5. Maintain and operate such central storage facilities as may be practical.

6. Have custody of all state owned real and personal property not specifically charged to some other department.

7. Charge property and equipment to using departments and expressly specify the responsibility for maintenance of the same.

8. Purchase liability insurance under a fleet policy covering the operation of state owned vehicles, and such other insurance and security bonds as any state department may legally require.

1973 Approp. 182,830

9. Install and maintain perpetual inventory records of plant and equipment.

10. Transfer unused supplies and equipment from one department to another where needed, and determine the value thereof.

11. As practical, purchase all supplies in such quantities and in such manner as shall be most economical for the state.

12. Require competitive bidding, except:

(a) When the purchase involves a total expenditure of less than three hundred dollars (\$300.) .

(b) When the item is procurable from only one source.

(c) When the item has a fixed market price.

(d) When in the opinion of the governor an emergency exists.

H. Division of Records Management and Archives

1 Unclass.

2 Class.

Authority for the state's records management and archives program and the organization of the division is based upon New Hampshire Revised Statutes Annotated, chapter 8-B Records Management and Archives Act:

1973 Approp. 28,478

Program Objective

The program objective is two-fold:

(a) To develop and recommend improved records management practices throughout the state government, thereby contributing to a maximum of economy and efficiency in the activities of the government.

(b) To identify and preserve records, papers, and documents having permanent and historical value.

Program Outline

In accomplishing the objectives of the program, the division performs the following functions:

(a) Develops and maintains on a current basis, in cooperation with all agencies, records disposition schedules.

(b) Operates the records center for the storage and service of inactive records.

(c) Identifies and preserves within the records center, on a permanent basis, the archives of the state.

(d) Advises with agencies in the elimination of unnecessary paperwork.

(e) Advises with agencies in the improvement of filing systems, filing equipment, and the review of unnecessary filing of duplicate records.

Buildings & Grounds Div. — Under Purch. & Prop. 88 Class

1973 Approp.	783,432	
Transf.	132,563	Morton Bld.
	<hr/>	
	650,869	Net

Maintains 12 Buildings:

State House — Annex — S. Library — Bridges House —
Morton — H&W Lab. — Warehouse — Blue X — Sup.
Court — Old P.O. — Arch. — Health Dept.

Total Personnel	159 Permanent.
1973 Approp.	\$3,290,638

Other Topics:

1. State Management Problems:

(a) Payroll System
Need delay — proposed 2 weeks
How to get delay?

(b) Budget — Line item vs. program
185 footnotes. — messy
Other statutory restrictions — Necessary (?)

(c) Fiscal Accounting.

Need computer — can't handle volume

Need changes in statutes

(1) Duplication

(2) Hand or visual audits

2. Office Space Needs —

We need more space

Lease 181,000+ in Concord — 1/2 million

We need short and long range solutions

Leasing old Telephone Bldg. and Hall Morse & Gallagher Short term.

Sen. SPANOS: Mr. Flanders, in the inaugural address by the Governor, and as recently as of today, he indicated that the State's accounting system bordered, I'm going to paraphrase to some degree because I'm not exactly sure of the exact words that he used, but he said the State's accounting system bordered on the scandalous and as a result is proposing a re-organization of the Tax Commission, your department of Administration and Control, the Treasurer's Department, and Centralized Data Processing, putting them under one roof under a Commissioner for Finances and Revenues or something to that effect. My question is two fold. Number one, and I'm asking this question on the basis of information only because I haven't made up my mind how I feel about this proposal, so I would like to know from you whether or not; (1) is the state's accounting system bordering upon the scandalous; and (2) if it is, is the solution in the area of some kind of necessary organization within the structure.

Mr. FLANDERS: Well, my only knowledge with respect to the subject that you are talking about is a copy of a press release that arrived on my desk this morning which was issued by the House Speaker's office. I didn't hear the Governor's press conference in relationship to this. To comment on the first question, I don't think scandalous is an appropriate term, but I can tell you very truthfully that the division of accounts in the Department of Administration and Control and the state's fiscal accounting is way behind. We have had a complete inability, almost, to handle the transactions that go through that office. Now, as I pointed out earlier, the Division has had one additional permanent person in a period of ten years. We are required to audit

both payroll and voucher manifests for federal agency and state government. The total number of dollars spent is three times what it was ten years ago. Obviously, you can't do this with the same amount of time. Coupled with that, we have been operating with two old 407 accounting machines, IBM accounting machines if you will, and it has a speed about the same as the ticking of a clock to produce lines of print and fiscal information on a piece of paper. Those machines have been down more than they have been up in my first two years in office. Data Processing has a computer. Since last September, no, last May, they have been putting the printing of our payroll on their computer and it took about two days of work directly off these 407 machines. In September or October, they put on our appropriation account and began having the monthly reports that go through on their computer which again reduced the work load on these old outmoded machines. We are in a lot better shape the last five months than we were prior to that, but, we're still working with a total force of sixteen classified employees. Of that, one is the assistant to the director of the division, the chief accountant and the rest of them are basically clerical tab operators, or such things. We have two temporary accountants who came in in November as a result of a grant from the N. E. Regional Commission. We've got to maintain these two positions on our current basis on our forthcoming budget to get anywhere. Now, what the solution to the problem is, I don't know. I haven't seen the proposal, I have heard as you have, a proposal to combine several of the state's fiscal offices into one umbrella agency. If this proposal is to give more direction to this thing, I guess I couldn't fight it. I think that the problem is deeper than that and I think that you have to get some resources down in the accounting and management level for the state government on a central basis. There is, and I don't say this critically, but there is little reluctance on the part of the Legislature to accept a hundred thousand dollar grant for a director, consultant, a new state assistant and a couple of accounting positions for the central office. There has, over the years been some reluctance to increase the resources of the central office to handle this load. Now, the computer is a must. Today we just can't handle, or we just can't hire enough people to handle the papers by hand. We've got to use the computer. As a result of that, we are going to have an ability to get more and better information both to the Legislature and to the Executive Department. This isn't going to be accomplished overnight and

I think that it is going to take some resources down at the "Indian level" if you will, rather than 100% attention for the chiefs.

Sen. JACOBSON: I wanted to refer to the question of the delay in the paychecks. Some time ago I was involved in a conversation with Stewart Lamprey in which we talked about the possibility of doing this and one of the suggestions was that over a period of time you would reduce a person's paycheck by one day so, that over a period of ten pay periods you would in fact achieve this without creating any significant economic crisis. The new people coming on would be brought into this system immediately, and now, was that not acceptable to the Governor and Council?

Mr. FLANDERS: Specifically, this was not proposed to the Governor and Council. It was proposed and discussed with representatives of SEA. They pointed out that this represented a 10% pay decrease for every employee over the full ten pay periods and they did not like it. There was an alternate proposal along the same line whereby we could move the payday one day in advance each pay period. In other words, if you are paid on Friday today, you are paid on Monday the following two weeks and on Tuesday and on Wednesday and so forth down the road and once again that was not approved by the SEA representatives. Once again you get two long weekends. Now what we did finally propose was, to bring you up to date, we said that we would like to give notice in November or December, I've forgotten exactly when, that effective on the third period which I think was the sixth of June, something of this nature, six months away, that we were going to have a payless payday. You can imagine when the Council recommended that there were cheers and flyers and everything else. We are going to have a payless payday. In other words the pay that was normally due on that Friday in covering the work period the previous Thursday would in fact be paid two weeks later, but that we would allow each permanent employee to use not more than ten days of their accrued annual permanent employee leave by their acknowledgement to receive a check for ten days annual leave on that payless day. The purpose of the long time between is to give employees, particularly those new ones time to accumulate ten days of annual leave during this period. So, hopefully everybody would get ten days' pay on the payless payday. But they would have to

pay for it in the form of giving up annual leave. Now, the SEA again appeared before the Governor and Council and their basic position was that it was to the state's advantage to delay the payroll and thereby the state should pick up the cost of making the transition. Governor and Council debated it long and hard and went back and had more meetings at their direction and came back, and as I reported earlier Governor and Council suggested we go to the Legislature and find a legislative solution to the problem.

Sen. TROWBRIDGE: Mr. President, I have a couple of questions. (1), I think it might be helpful to know, Sen. Jacobson, what is, a payless payday? (2), what a two week amount is. In other words, how much is involved in that switch?

Mr. FLANDERS: Roughly, two million dollars, depending on how you adjust this, whether or not you include highway employees. In other words, if you're going to give a bonus then you've got to do something for the highway employees who are already on this system. So I guess roughly about two million dollars.

Sen. TROWBRIDGE: My real question was, in other words, I was appalled in the last couple of weeks as a result of talking with you to find out how many duties are placed on the Comptroller that have really nothing to do with accounts and controls. You said something to me that I think was very interesting, I think the Senate would like to hear about the impossibility of gearing up a fully uniform accounting system with the budgetary footnotes and the wrinkles that we put in our budget. Would you elaborate on that the same way you did with me a week ago.

Mr. FLANDERS: I'll try to Senator. I think the basic advantage of using a computer, for appropriation accounting let's say, is that you can tell the computer what to do when a given set of transactions comes through and the computer has the ability to handle this with fantastic speeds. Thereby you get from here to there in a very short space of time. The Legislature over the years, and I think part is our responsibility, our inability to report to you seasonally. So you know the historical transactions that have happened to give you in detail the analysis on the particular items. That made the Legislature a little reluctant to give the agency head complete latitude within particular line item appro-

priations. So we end up with an appropriation of let's say \$40,000 for equipment in a given division. Now, the computer experts can write the programs and systems which will accept information and allow expenditures for equipment items out of this account, not allowing to pay personal services or current expense of these other things out of the account. But if the Legislature puts a footnote on that forty thousand appropriation and says included in this appropriation there shall be six thousand dollars for the purchase of a bombardier and three thousand dollars for the purchase of, I don't know — Head skis, it's almost impossible to put that into the computer. All we can do is tell the computer that when it gets the equipment charge on this particular account that it rejects it, and an employee picks it up, reviews it and if it's o.k. puts it back into the computer with the appropriate code that says go. So you're putting it in, taking it out, you're reviewing by hand. As I say, look at the federal laws of '71 listing the budget and you have a through z, aa through zz and I don't know, you have 180 some odd footnotes with respect to the line item appropriations. Out of state travel, for instance, there's one that has been more recently segregated and appropriated as a particular line on the appropriation and then we have back in the general law that if more than one employee is out of state in a particular agency they must have prior approval of Governor and Council, and there has got to be request that the Governor and Council come back through and you've got to log this, you've got to take the expense accounts for out of state travel and again review them against the opposition of Governor and Council before you can file them into the computer. Now, again, as we have an ability to answer in a responsible manner, reasonably, the legislative questions, with regard to any of the appropriation accounts, that you will perhaps give us and the agencies more latitude to spend the money that you appropriated. It pains me sometimes to think of state employee as a director of a division \$15,000 to \$20,000 a year and operating a budget of \$40,000 a year, and to have his budget broken down into some nine classes and subject to two or three footnotes. You would be much better off not having the director.

Sen. DOWNING: Mr. Flanders, I don't know if I interpreted your remarks correctly or not, but I doubt that the Public Works and Highway Department based on what he said was on the same non delay payroll schedule up to a period of time when they changed?

Mr. FLANDERS: No Sir, to the best of my knowledge back to the 30's the Public Works and Highways Department has been on a delayed basis. I think back in those early days it was before the Highway fund was budgeted by the Legislature and Highway revenues went to the Department and in most cases it was a maintenance operation rather than construction and the division engineers had their own checking accounts, and paid their own employees out in the field and sent a bill once every two weeks to the central office and were reimbursed. I think when they first came into a say central accounting system in the Highway, Central Payroll System, I think they went on a delay basis.

COMMITTEE REPORTS

HB 62

relative to the incorporation of a state bank or trust company. Ought to pass with amendment. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, I move the adoption of the amendment and the bill. This bill is a House bill introduced originally by Rep. Hamel to equalize the differences in the establishment of a savings bank or trust company or a branch bank. It turned out that there was quite a variation of the rules. The bill was amended in the House and it became quite garbled. We did amend it in the Senate and I think we have the thing cleared up now, in fact I have the words of Comm. Nelson. He says of the amended bill that in the opinion of the banking department it is fair, logical and workable. I think this takes care of the situation.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

relative to the incorporation of a state bank, a trust company or a savings bank.

Amend the bill by striking out section 2 of same and inserting in place thereof the following:

2 Petition for Incorporation of Savings Banks. Amend RSA 386-A:4, RSA 386-A:5 and RSA 386-A:6 as inserted by 1965,

279:1 by striking out said sections and inserting in place thereof the following:

386-A:4 Petition. A petition requesting approval of the proposed incorporation shall be filed with the bank commissioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall be annexed a signed duplicate of the articles of agreement. An examination fee of five hundred dollars, payable to the bank commissioner, shall be paid when the petition is filed and may be used to defray the expenses of the proceedings on the petition, any remaining balance to be paid to the state treasury for the credit of the bank commissioner. The bank commissioner shall examine each petition and if he finds that it is duly completed, he shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition as he considers expedient, for the purpose of more fully informing the board. Said board may upon request of any interested person or corporation or at its own discretion order a public hearing or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the board may order.

386-A:5 Notice. If a public hearing upon the petition is ordered by the board under the provisions of RSA 386-A:4, notice of such hearing shall be caused to be published by the petitioners at least once a week for three successive weeks, in one or more newspapers designated by the commissioner. The notice shall be in such form as may be prescribed by the commissioner, setting forth the place, date, and hour of the hearing, the names, addresses and occupations of the incorporators, and the name of the proposed corporation, and such other information as the form may require. One of the newspapers shall be a newspaper generally circulating in the city or town where such bank is to be located. The first publication of such notice shall be within thirty days after the petition has been referred to the board by the commissioner. The petitioners shall also cause a copy of such notice to be mailed to every bank, trust company, or other corporation, described in RSA 384:1, located in the city or town where such bank is to be located, at least fourteen days before such hearing date. The petitioners shall furnish the board

with written proof of the publication and service of the notice under this section, on or before the commencement of the hearing.

386-A:6 Consideration. Before acting on any petition the board shall consider such evidence as may be presented by the petitioners and all other interested persons, firms and corporations, including members of the general public and shall keep a permanent record of such evidence. The petitioners shall submit to the board full information as to the identity and background of each person, firm or corporation who has subscribed to the initial capital of the proposed bank. In making its decision on each petition, the board shall not take favorable action unless it determines that:

(1) the bank will serve a useful purpose in the community in which it is proposed to be established,

(2) there is a reasonable expectation of its financial success,

(3) its operation will not cause undue injury to existing institutions that accept funds from savers on deposit or share accounts, and

(4) the applicants are persons of good character and responsibility, and,

(5) there is reasonable prospect of raising such amount of initial capital funds as the board may determine to be reasonably necessary, but not less than the requirements of section 21 of this chapter.

3 Effective Date. This act shall take effect sixty days after its passage.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:01

SB 49, relative to prohibited conduct of real estate brokers and salesmen.

Sen. BRADLEY: I move that SB 49 be made a Special Order of Business for 7:01 Thursday, March 15, 1973 in Amherst, New Hampshire.

Mr. President, fully realizing that the eyes of my colleague Sen. Sanborn are boring into my back I do have to confess that

the reason this was made a special order for the day, mainly the preparation for amendment hasn't yet taken place and therefore, I would move that this be made a special order for tomorrow.

Adopted.

VACATE

Sen. BLAISDELL: I move that HB 397 be vacated from Recreation and sent to Public Health and Welfare.

I do this with reluctance, Mr. President. Having talked with my 'country boy' Sen. Sanborn from the 17th District, he felt that the Public Health and Welfare Department Committee could take care of it better than our committee could.

Sen. JACOBSON: I noticed that you've joined the 'country group', have you submitted an application?

Sen. BLAISDELL: Not yet Senator, but I have asked for enrolled bills committee.

Sen. SPANOS: I rise in opposition to the motion pending before this Body. I would prefer to see this bill referred to a committee of one, Sen. Bradley.

Adopted.

Sen. PORTER: I move that the proposed Joint Rules be taken from the table.

Mr. President, the members were provided sets of the proposed Joint Rules yesterday and at this point I would like to urge anyone who has questions relative to the various motions before you, in particular, those situations when House or origin must move bills out of their House, rules relative to Rule 20 on the Federal dollar withholding, possible veto Rule 28 that provision and Rule 29 as suggested by Sen. Trowbridge. I would like to solicit questions or offer any suggestions that anyone might have at this time, to see if there is any question that anyone might have at this time. To see if there is any further discussion relative to joint rules.

Sen. DOWNING: Sen. Porter, if this thing is tabled at this time, do you have any objections to it being placed back on the table if the Body is not in agreement with it.

Sen. PORTER: Not at all Senator, I would be pleased to

give all the membership the time they need to study it and offer any constructive suggestions.

Sen. JACOBSON: Is there any urgency so that they couldn't lay over until next Tuesday?

Sen. PORTER: None at all, Senator.

Sen. JACOBSON: Thank you.

Not adopted.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that the bill be read by title only and that when we adjourn we adjourn until tomorrow night at 7:00 p.m. in Amherst, N. H.

Adopted.

LATE SESSION

Third reading and final passage

HB 62, relative to the incorporation of a state bank, a trust company or a savings bank.

Adopted.

Sen. Claveau moved the Senate adjourn at 2:55 p.m.

Thursday, 15Mar73

The Senate met at 7:00 p.m. in Amherst, N. H.

Boy Scout Troop No. 22 and 613 presented the Colors.

Rev. John Ward of the Amherst Baptist Church led the Senate in Prayer.

Our Father, Thou who are in Heaven, we bow before Thee, not in a token gesture, but believing you to be our Creator, Controller, and Redeemer. We acknowledge ourselves to be Your creation and believe that we are Your stewards. Help us, we pray, to be faithful stewards as we meet to make decisions, as representatives of the people.

Thank You Father for the privilege of living in this land and this state. Help us to remember that we are responsible to Thee, and to our fellowman. Guide us, we pray, in the use of wisdom tonight, to the glory of God and the benefit of mankind.

Receive unto Yourself glory, in our trust and obedience to Thy will.

In the precious name of Jesus we pray. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Boy Scout Troop No. 22 Chris Bush and H. Leathermen, and No. 613, Ken Wood and Dean Hamel.

Introduction of Selectman Ed Masten by Senate President David Nixon.

Mr. MASTEN: Mr. President and members of the New Hampshire Senate: It is my pleasure and a privilege, granted by the citizens of Amherst and the Selectmen to extend to you a most cordial welcome in their behalf.

History tells us that the General Court last met in Amherst in 1794, some 179 years ago. History also indicates that perhaps if the citizens of those early days had been more persuasive and if our location had been on the direct line of transportation regular sessions of the Legislature might be a part of Amherst daily life. Thus your presence tonight becomes an historic occasion.

Amherst is no longer the sleepy colonial town. It is now a busy and rapidly growing community at a rate which challenges our ingenuity to absorb in an orderly fashion and our ability to support properly the property tax burden to meet the increased demand for education facilities, Fire and Police protection and maintenance and construction of highways. We are aware that our situation is not unique, that our problems are common to most towns in New Hampshire, and like them we seek some form of relief.

Thus we trust in your deliberations in the 1973 session you will find a solution to the burden of local property taxes particularly in the area of education and county government,

where in we have little or no voice in the amount to be raised or how it should be spent, and we are forced to meet standards dictated from the State level by those empowered by legislative action.

To those of us in attendance, tonight should be a rewarding occasion, as we shall have the opportunity to observe and learn how the Senate deliberates, for most of us are far less knowledgeable than we might care to admit.

We extend our thanks to the Honorable Senate Body and to Sen. Porter for this opportunity.

Introduction of Leon Anderson, State Historian.

LEON ANDERSON: It is nice to report that New Hampshire's State Senate is back in Amherst after 179 years.

This evening's friendly reception recalls to mind that this is traditional. For when our Legislature held its summer session of 1794 in Amherst, the town's hospitality was also bountiful. On that occasion Amherst citizens boosted their town liquor licenses from three to 22 for the happiness of all concerned.

This Senate visit to Amherst is one of a series of such sessions being held through the state to give citizens opportunity to see and hear their lawmakers in action. This novelty is also to help observe the 350th anniversary of New Hampshire's first settlement in 1623 at Portsmouth.

A thumbnail history of this 190-year-old State Senate has been produced for distribution to all interested citizens, and they are available through your respective Senator.

David Nixon of New Boston is the 113th President of this Senate, and that's the closest that Amherst has come to filling that high position.

But Amherst has boasted a long line of distinguished members of the Senate, not the least of whom is your present Sen. Frederick A. Porter. This 43-year-old comparative youngster, now in his second term, is Republican Majority Leader, and two years ago he was Assistant Majority Leader.

Amherst citizens have been privileged to serve in the Senate Dist. 12 seat for nine straight terms in recent years. Mrs.

Nelle L. Holmes served four terms through 1963 with distinction, and now she is a member of the N. H. Revolutionary War Bicentennial Commission. Creeley S. Buchanan, also one of Amherst's more prominent citizens, served three Senate terms through 1969.

Six other Amherst citizens have served in the State Senate since its creation in 1783. First was Colonel Robert Means, grandfather to Jane Appleton, who married Franklin Pierce, New Hampshire's only President. He served three terms ending in 1791.

Joshua Atherton served twice in 1792-93. Then William Gordon sat in the Senate in 1794, when it met a first time in Amherst, and he had a second term.

Jedediah K. Smith served four terms through 1809 and then William Fisk served the following four terms.

After 1813, Amherst had only one Senator for 144 years. He was Harrison Eaton, who served in the 1877 session.

The Senate had only 12 members back in 1794 and they had quite a time getting to Amherst. Only five showed up for opening day on June 4. They were Ebenezer Smith of Meredith, Oliver Peabody of Exeter, Joseph Blanchard of Chester, James Flanders of Warner and Samuel Hale of Barrington.

Five more reported for duty the second day. They were Moses Leavitt of North Hampton, Charles Barrett of New Ipswich, Elisha Whitcomb of Swanzey, Moses Baker of Campton, and Amherst's own Bill Gordon, and history doesn't tell why he was so late!

The two other Senators, Abiel Foster of Canterbury and John Bellows of Walpole, later took their seats.

As the 1794 senate organized, Peabody was chosen President, but he soon resigned and went home to Exeter, to be replaced by Phillips White of South Hampton. So Foster became President for a second term.

Finally, Senator Hale resigned and went home to Barrington, and just before the session adjourned on June 21, John Waldron of Dover arrived to take his place.

John Taylor Gilman of Exeter, the federalist patriarch,

took office as Governor for a first time at the 1794 session in Amherst and then went on to serve a total of 14 terms, and all-time New Hampshire record.

Governor Gilman dealt in less than 500 words in his inaugural address to the Legislature. He called for financing of a regiment of militia to help the federal government meet a threat of war with France because that nation was then stopping American commerce on the high seas, and the Legislature approved it.

We thank Amherst citizens for this rare opportunity to share in this Amherst session of the Senate, with respects to Amherst's Sen. Porter.

Introduction of Senators and Staff.

Introduction of Guests.

(Sen. Porter in the Chair)

RECONSIDERATION

Sen. Poulsen moved that HB 62 be reconsidered.

Sen. POULSEN: HB 62 had a mechanical error in the amendment and if we reconsidered it it can be corrected before we send it on to the House.

Sen. DOWNING: What is HB 62?

Sen. POULSEN: It is relative to the incorporation of a State Bank or Trust Company.

Adopted.

Sen. TROWBRIDGE: I move that HB 62 be recommitted to the Committee on Banks, Insurance and Claims.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 88, relative to professional mental health evaluations of minors. (Bradley of Dist. 5 — To Judiciary.)

SB 89, providing for vested benefits for teacher members of group I who terminate after completing ten years of credita-

ble service payable in accordance with the applicable service retirement benefits formula and making an appropriation therefor. (Foley of Dist. 24; Green of Dist. 6 — To Education.)

SB 90, relative to the termination of parental rights. (Gardner of Dist. 4 — To Judiciary.)

SB 91, relative to towns having the power to elect a board of assessors. (Poulsen of Dist. 2 — To Executive Departments, Municipal and County Governments.)

SB 92, providing total property tax exemption for all totally disabled veterans of any branch of the armed forces. (Green of Dist. 6 — To Ways and Means and Administrative Affairs.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 327, permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations. Banks, Insurance and Claims.

HB 408, providing for insurer notificaton to employee under group or blanket accident and health insurance policy that premium is not ratified. Banks, Insurance and Claims.

HB 377, repealing the authority of justices of the peace to sit as special justices in a district court. Judiciary.

HB 414, to establish a procedure to repeal historic districts in cities and towns. Executive Departments, Municipal and County Governments.

HJR 7, in favor of George T. Ellis of Concord. Banks, Insurance and Claims.

HCR 6, to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools. Rules and Resolutions.

HOUSE CONCURRENCE

SCR 2, memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber.

HOUSE NONCONCURRENCE

Request for Committee of Conference on HB 96, providing that alternate members may be appointed to zoning boards of adjustment.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives Reps. Hanson, Merrill, Williamson and Sayer.

On a motion by Sen. Jacobson the Senate voted to accede to the request for a Committee of Conference.

The Chair appointed as members of said Committee on the part of the Senate, Sens. Poulsen, Preston, Blaisdell and Johnson.

INTRODUCTION OF SENATE CONCURRENT
RESOLUTION

SCR 4, Relative to the National Service Life Insurance for Veterans. Referred to Rules and Resolutions Committee. Sen. Lamontagne for the Committee.

COMMITTEE REPORTS

HJR 20

transferring certain accumulated income to the principal of the special teacher competence fund. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this is a very, very much needed housekeeping bill. It is not often that we see the past coming back to haunt us. You will notice that HJR 20 goes back to 1867, and two years ago they moved the old teaching institute funds, which had been moved over into a new fund administered by the Department of Education and in doing so they only moved the principal and they forgot the \$4,800 accumulated interest and this HJR 20 moves over the accumulated interest that is already there.

Adopted. Ordered to third reading.

SB 40

relative to the distribution of district court fees. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill would change one

aspect of the present District Court laws. Under the present system, all of the fines that come into the District Court are used for the payment of cost to the court and eventually, either a portion goes to the state or the remainder goes to the town where the District Court is located. This bill will provide that proportional amounts of funds to be sent to those towns based on a case load coming in and on the smaller towns it will help defray some of the cost of the police officers appearing in the court and also transportation costs which is now charged to the town. The Committee looked over the bill and after the hearing we felt that this would be an equitable bill.

Sen. JACOBSON: You said that this would be equitable, would you include in your equitableness, the salaries of the Justices' and Special Justices' and the cost of the maintenance and upkeep of the District Courts?

Sen. S. SMITH: It is my understanding, under this bill, that the cost of the courts, the operation of the courts would be subtracted before they distribute the funds to the other towns.

Sen. JACOBSON: If that be true, why is this bill written under RSA 502-A:8 and the salaries under 508-A:6?

Sen. S. SMITH: I cannot answer that, it does take into consideration the remaining cost of the court.

Sen. JACOBSON: As I understand the bill, it says it will be distributed based upon the number of cases without reference to the fine. Therefore, if a town had someone with a \$15 fine and another town has someone with a \$100 fine, then they would still get the same return of money.

Sen. S. SMITH: Over a period of time it was felt that it would equalize out.

Sen. JACOBSON: In other words, what this bill does, as I understand, it places the burden of salaries for the Justices and Special Justices and also the burden of the upkeep of the court on the town in which the court is located?

Sen. S. SMITH: This is correct, practically all of the courts end up with a surplus and it was felt that the cost would be distributed to the towns to help defray some of the expenses involved by the town.

Sen. BRADLEY: To clear up what may not already be

clear, this amendment is to Section 8 of this particular chapter, which is the section which deals with the disposition of fines. This bill is not going to change anything with respect to the responsibility of the towns, as to who pays the Justices' salaries. The way this bill will work, the funds will get distributed for the various purposes and the expenses of the court are paid out of this bill and it only deals with the surplus that is left over and last year, just about every District Court did have a surplus. So what this bill is concerned with is simply the division of surplus that is left over after all of the expenses have been taken out and the surplus will be divided on a pro-rata basis among all of the towns that participate and that particular court, in relationship to the number of cases they have in the court.

Sen. JACOBSON: Could you indicate to me where it says that the surplus after all of the expenses of the District Court have been met, where does it say that?

Sen. BRADLEY: On page one of the bill, right in the first paragraph, "after deducting witnesses fees, cost of the clerk's bond, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the treasurer of the cities or the towns which comprise the district in the following manner." It is the such other expenses as may be legally incurred in the maintenance and conduct of the court that covers all of the other expenses, including the salaries.

Sen. JACOBSON: In 502-A:6 it specifically states that the salaries of the Justices and the clerks shall be paid by the city or town in which it is located. It is your intention to say that such other expenses may be legally incurred and if that is true, where is the differentiation in the RSA's?

Sen. BRADLEY: I think I did say something incorrect. This bill does not deal with Section 6 of the bill, we are not effecting the method by which salaries of the Justices are paid by this bill.

Sen. JACOBSON: If that is true, if this bill should become a law, the town or city in which the District Court is located will continue to bear the main burden of the cost of the salaries of the Justices and Special Justices and also the maintenance of the court, is that correct?

Sen. BRADLEY: That is the way I read it, they will be responsible for the salaries and there still will be a surplus from which to divide, which this bill deals with.

Sen. JACOBSON: At the present time any surplus that remains would be after the salaries of the Justices', Special Justices' and the maintenance of the court, outside of the court cost, the surplus would come at that point, is that correct?

Sen. BRADLEY: I am not clear on that so I will refer it to Sen. Trowbridge.

Sen. TROWBRIDGE: I will answer that by perhaps shedding some light that I am the sponsor of this bill. I would admit to Sen. Jacobson and to the whole Senate, that the statutes as now defined are a maze of interrelating of nonsequiturs and it really is difficult. Getting back to the basics, at the present time all of the money for all of the fees are kept by the court in the town where the court resides. If a prosecuting policeman from another town, let's say my town of Dublin goes over to Jaffrey, Jaffrey has a court and Dublin does not. A Dublin police officer arrests a person and goes over to Jaffrey and makes an appearance in the Jaffrey Court and a fine of \$50 is collected. That \$50 goes exclusively to the town of Jaffrey and no money whatsoever goes to defray the cost of that policeman's coming over to the court that evening.

So we tried to find a way where some compensation could be given back to the police officers and their department who are making the arrest. If you were to say that there would be a flat fee for paying each of the arrests, then it could be that there wouldn't be enough money in the till to pay the court cost. Since New London has a District Court, I can see why Sen. Jacobson is concerned. On the other hand, those who do not have a court are equally concerned. So my idea was to say that only at the point when you have paid all of the costs of the courts, Justices, clerks heat, lights, and everything, that only with a surplus situation should the towns who are coming in get some of the surplus, including by the way, the police department in New London or Jaffrey, they would be in the act too.

Now in this bill, Sen. Jacobson, I hope that you will notice that not only in Section A, but also in Section B, the clerk shall pay the same over to the treasurer of the cities or towns which

comprise the District in the following manner: the clerk shall pay over to "each city or town which is part of the court district shall receive an amount equal to the ratio which the number of cases is prosecuted," that one, that's the one I'm talking about, and then, it shall also pay over "the town or city which pays the salary of the Judge and Clerk of the District Court shall receive the remainder of all fines and forfeitures which are not disposed of otherwise from all cases prosecuted by parties other than local police or prosecutors." That's where you get your money. I must admit that that's the way the statute is now, that's how you get paid now. It's kind of a backyard way of doing it but if you take the statutes that are in now and try to put this in, that's the way legislative budget assistants said was the way to do it. Now I couldn't argue with Arthur Marx, I had an argument with Arthur Marx that this seemed a round about way of doing it, but this is the way he said to do it. Now I admit that Sen. Bradley is absolutely correct, we are not changing Section 6, which says only that the local courts shall pay judges and it doesn't say anything about the distribution of income which is in Section 8, which is where we are in this bill. I have probably confused you more than when we started, but I hope that I have shed some light.

Sen. JACOBSON: Sen. Trowbridge, as you have very clearly indicated, the cities and towns which the District Courts are now located would get the remainder, at the present time it gets it all.

Sen. TROWBRIDGE: It gets it all, inequitably I might add.

Sen. JACOBSON: In other words, if we have four towns and suppose each of the four towns had an equal case load, 75% of the applicable funds would return to the other three towns?

Sen. TROWBRIDGE: No, because he has to pay the other expenses, only the surplus would be divided up four ways.

Sen. JACOBSON: That is right, 75% after the normal court expenses have been returned would go to the other towns.

Sen. TROWBRIDGE: Part of those expenses are paying the judges.

Sen. JACOBSON: Do you have proof that that is the case? Why is it not stated in RSA 502-A:6?

Sen. TROWBRIDGE: RSA 502-A:6 only says that the town where the court is located has to pay the judges, it doesn't say how the funds are split up, that's why we are dealing in Section 8. I can't seem to make that clear.

Sen. JACOBSON: As I read the statute, presently under Section 8 it says that it receives everything.

Sen. TROWBRIDGE: Yes indeed, and I'm saying that it should not receive everything, that it should pay all the expenses and then split up the surplus.

Sen. JACOBSON: Then you hold that SB 40 as stated includes, that all of the salaries will be paid before any division, plus all of the expenses of the court?

Sen. TROWBRIDGE: Precisely, that is what I am informed of.

Sen. NIXON: Sen. Trowbridge, you may not know it, but you are fortunate to have a bill considered in a place that does not have a court any longer, in Amherst. It did have a fine court at one time with Judge Lincoln presiding and I know because I have lost a lot of cases here. By the way, the beautiful Amherst court is the court where Daniel Webster tried his first case as I understand. But inasmuch as I also come from a town that does not have a court, I do understand that in certain situations, such as in the case of the Merrimack court, which includes Bedford as a jurisdiction, that when Merrimack cases are tried in the court that is actually located in Bedford, all of those proceeds in respect to those cases are retained by Bedford and when Merrimack cases are tried in Bedford, then Bedford gets \$4 per case or something of that nature. This is also true in other areas of the state, such as Charlestown that does not have its own court and the cases that are tried in Charlestown are tried in the District Court and the \$4 for each case goes to the town. As I understand it which sends the case, so to speak. I know there is a bill in the House now to raise that amount to \$8 a case. Does the town of Dublin or New Boston, whatever the case may be, have the benefits of that arrangement at the present time?

Sen. TROWBRIDGE: I can say that I know the town of Dublin does not. I can assure you of that. Whether there are some special statutes that I don't know about, I know about Bedford and out of both District Courts only Bedford gets the

first percentage of the dollar, that is the statute doesn't change, you then have the State Police coming in, it's a maze of people biting at that dollar. Again, after the State Police gets their share, the monies start going to the courts. That is what I tried to say to Sen. Jacobson, this is complicated.

Sen. NIXON: Not to belabor the point, as I understand the purpose of SB 40, it is to fill the gap so to speak, to some extent equalize the income, if we can speak of the courts as an income producing situation, so that all the towns which participate in presenting cases in a particular court share in what may be the surplus over and above all of the expenses to the courts in which it sits, is that not so?

Sen. TROWBRIDGE: Precisely, another way of putting it would be to equalize the cost of the police protection around the court.

Sen. BOSSIE: Sen. Jacobson, in regard to some of the questions that have been answered, I think some are still vague to some of the Senators. I think that even if this bill should pass, the distribution of court fines will be approximately the same as it was before. It will provide equitable relief for some of the small towns and certainly this bill does not effect the city of Manchester, whose court is entirely for the city of Manchester. You will note that the District Courts are generally located in the largest towns in that court area and accordingly, that town would have a larger police department. That court would prosecute more cases than others. Then we should also consider that in many towns the State Police do more police work and so when it is the State Police doing the police work, the fines that result and the surplus should go to the town in which the District Court is located, which in turn would pay the salaries of the judges and the clerks. So basically, this is fair bill and I think it will help.

Sen. SPANOS: I move that SB 40 be made a special order of business at 1:01, Tuesday next.

Mr. President, I move for this motion because I feel, after listening to some of the remarks made here this evening, that there is a little confusion on the matter. I would like to have the opportunity to study and evaluate this proposed legislation over the weekend and perhaps Tuesday I would be better able

to vote on the issue. I hope that my colleagues allow me that right.

Sen. NIXON: I think the Senators are well aware of my position on motions for special orders, so I will only say this. This is a complicated bill and I will accede and go along with the motion to have this be a special order on Tuesday provided no one else here requests a special order.

Sen. JACOBSON: Mr. President, I rise in support of the motion. First I believe that Sen. Trowbridge is wrong, that it is a common practice that all of the fines are to be turned over to the town Treasury and that the responsibility then, after the Court expenses are met, that the remainder is then turned over to the town Treasury and from that the salaries are paid and any maintenance of the Court and then there may be a surplus. For that reason I believe that we ought to have this as a special order and I have no objection to distributing the surplus, but I have strong objection to the fact that the town may be responsible to carry the burden of the salaries of Justices and Special Justices and also the maintenance of the Court.

Adopted.

HB 89

relative to stallions running at large. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: I think this bill will be a little easier to explain. If this bill is passed, it would provide that anyone who is an owner or keeper of a stallion more than 12 months old, must prevent it from running at large. The law would make it a crime for anyone to willfully or negligently permit such stallions to run at large and it further says that a fine would be imposed under this section and it would go to the town in which the offense was committed, and that the guilty party would also be liable to the party injured and for damage done by such stallions running at large. This statute is parallel to the one that is already on the books dealing with wolves. We have a similar duty to keep them penned in. The committee debated at some length whether we should broaden the bill to include all horses and after a fair amount of debate, and some of us really got educated as to the difference between a stallion, gelding, mare, I am not sure of the others, but it was decided that this type of horse would be the only one dangerous and we needed

this kind of prohibition for a stallion, which as I understand is an unaltered male. Everyone knows that an unaltered male must be penned in.

Adopted. Ordered to third reading.

HB 170

relative to overtaking and passing upon the right of another vehicle. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, the effect of HB 170 would be to permit the overtaking and passing upon the right on highways with three lanes in one direction. This bill had support from the New Hampshire Highway Department, the American Automobile Association and other groups concerned with highway safety. New Hampshire is one of the few states in the country that currently does not permit this practice. When tourists visit our beautiful state they are generally unaware of our law prohibiting passing on the right. Thus, to enact this measure would be to make the New Hampshire laws more uniform to our sister states. At the present time, only a portion of Route 93 in Salem and a portion of I-95 along the coast would be affected since these are the only two highways with three lanes in the one direction. We endorse its passage.

Sen. SANBORN: Sen. Bossie, in Newport the other night we passed HB 130, that allowed traffic at a stop light to turn to the right I believe. Now to have a lane of traffic coming along the right and turning with the red light against them, that would mean that those that are going straight through would have to wait for the red light, so accordingly, they would have to pass on the right. How does this bill affect that bill?

Sen. BOSSIE: I don't understand the question. Naturally the way these two highways exist now there are no red lights on there and I don't really know if I can answer that.

Sen. SANBORN: Do you remember in Newport the other night we passed HB 130, that stated that when a vehicle came to a red light and it desired to turn to the right, it would stop and check traffic at the crossing and then proceed with caution. Now, if that car comes up on the right and there is another car that wants to go straight through which has to stop at that red light and then you have only got a regular street that is only about four cars wide and this bill says that it has got to be three cars wide.

Sen. BOSSIE: Certainly, discussing this HB 130, it would not actually apply to the situation of this nature, I do not believe. If it did, anyone in the right lane who wanted to go to the right lane would definitely have to get into that lane so that they could pass. This would be for the situation like Interstate 93, coming up from the Massachusetts border to Rockingham Park, although if you want to go north towards Manchester and Concord bear to the left and all of those who want to go to Rockingham Park or Salem will bear to the right and there is no stop signs here and it would seem to be very dangerous. Otherwise, I don't know what you are talking about.

Adopted. Ordered to third reading.

HJR 6

designating United States Route No. 3 and Interstate 89 as part of the Blue Star Memorial Highway system. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, HJR 6 asks us to designate United States Route No. 3 and Interstate 89 as part of the Blue Star Memorial Highway system. Under this designation, the bill would be in commemoration of the services of the men and women of this state who served in the armed forces of the United States in WW II and the State Highway Commissioner shall file with the Secretary of the State a description of the particular sections of the .S. 3 and Interstate 89. I move that we adopt the Resolution.

Sen. NIXON: Mr. President, I speak in support of HJR 6. This bill is sponsored by Rep. Ednapearl Parr, Chairman of the Blue Star Memorial Highway Marker Committee of the National Council of Garden Clubs. She was most anxious that we take action on this proposal and I understand it is part of a continuing program on a nationwide basis by this operation, and I would be grateful to the committee for having acceded to her wishes, and I hope all of you will support it. Thank you.

Adopted. Ordered to third reading.

HB 280

relative to state registration certificates for airmen. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this is another one of those so called housekeeping bills that was submitted by the

Aeronautics Commission. This bill deletes the words "aircraft service operators and aircarriers" and inserts in place thereof "commercial aircraft operator" with a definition for the purpose of this chapter of commercial aircraft operators. I think basically that this bill is more or less self explanatory and as I said it was requested by the Aeronautics Commission who came before the committee in favor of this bill.

Adopted. Ordered to third reading.

HB 183

to provide right of way for highway purposes through New Hampshire Hospital land. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President and members of the Senate, the purpose of this bill is because of the area of construction needed for the New Hampshire Hospital and there was no opposition to the bill.

Sen. TROWBRIDGE: Have you any idea how much acreage is involved in the proposed interchange on the hospital change?

Sen. LAMONTAGNE: Two acres.

Sen. TROWBRIDGE: Thank you.

Adopted. Ordered to third reading.

HB 245

naming Ragged Mountain Highway. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, HB 245 provides that we name a portion of New Hampshire 104 from New Hampshire Route 4 in Danbury to Exit 23 of Interstate 93 in New Hampton as Ragged Mountain Highway. That is the stretch of road that was recently rebuilt by the State and it looks right up Ragged Mountain, which is a skiing and recreation area, and the people there are in favor of this and there has been no opposition. We hope this passes.

Sen. NIXON: Mr. President, I again rise and speak in favor of the Committee Report and the adoption of HB 245. As stated by Sen. Poulsen, this bill renames that portion of New Hampshire Route 104 from New Hampshire Route 4 in

Danbury to Exit 23 of Interstate 93 in New Hampton as Ragged Mountain Highway. This particular development is well known and I think well liked and it would be a credit to New Hampshire. Part of the management is done by Joe Noonan, who is a great skier and a great friend. You may recall that I introduced him as a guest last year as a guest in the Senate as a great drinking companion. This will be good for the State and the area in particular and it is simply a road designation. I hope that the committee will support this bill.

Sen. BRADLEY: I simply want to go on record as being in support of this bill. This particular highway is in my district and I have received some material on this particular bill, including a very attractive photograph of Ragged Mountain Ski Area that was taken from this particular highway. I think it is appropriate to so name this highway.

Sen. TROWBRIDGE: Mr. President, while all of these people are going on record I want to say that I do not have any opposition at all to the proposal but I would like to make sure that the Senate is aware of the increasing number of people coming to the legislature with bills such as this because the signing of the law on Interstate highways makes it impossible to put up any commercial signs on Interstate Highways and therefore, anyone who wants to get a turn-off would have to go to the State Legislature to put in, Rockingham Lane or Ragged Mountain Road, or something you can put up on the big green signs over the Interstates. I just want to make the Senate aware of what we are doing when we do it.

Sen. JACOBSON: Is it the State Highway Department that prescribes these signs or is it the Bureau of Roads?

Sen. TROWBRIDGE: It's federal.

Sen. LAMONTAGNE: Mr. President, I come from way up north and I want to go on record as being in favor of this bill. The reason why I am in favor of making the turn off for the traffic which will go into the area so mentioned, is because the roads north can't take care of all the traffic, we are having it bumper to bumper and therefore this would ease some of the traffic up north.

Adopted. Ordered to third reading.

HB 139

relative to the license fee required for oystering or clamming. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: I would like to move the adoption of the Committee Report. The sponsor of the bill is Rep. Read of Rockingham District 4 and the amendment in the existing law would allow that those who are 68 years of age or more could obtain a license for oystering or clamming without charge to state residents. Currently residents who are over 70 years of age are allowed this. This reduction was submitted by the Fish and Game Department and there has been no opposition.

Sen. FERDINANDO: Do I understand that this statute, first of all relates not to lobsters but that there is a special statute that relates to lobsters, and why is it that somebody who is 68 years old can now pick up oysters or clams, why should he not be able to pick up lobsters?

Sen. PRESTON: Well, it is very difficult to pick up lobsters.

Sen. FERDINANDO: What is the normal license fee for those?

Sen. PRESTON: \$4.50 for those in the age group over twelve.

Sen. FERDINANDO: Per year?

Sen. PRESTON: Per year.

Sen. FERDINANDO: Am I also to understand that it is permissible to have a license to pick up lobsters on Hampton Beach, is this correct?

Sen. PRESTON: You fish for lobsters out in the harbor, out in the ocean. This is done by means of traps and currently there is some legislation for some type of scuba diving.

Sen. FERDINANDO: Under scuba diving, can people pick up lobsters?

Sen. PRESTON: I understand at the present time we have legislation pending on this matter.

Sen. SANBORN: I couldn't help but wonder what is the big deal of two years, from 70 down to 68, aren't we being over-generous?

Sen. PRESTON: That was brought up by Sen. Sanborn and I cannot explain that. The Fish and Game Department was the sponsor and you would have to check with them.

Adopted. Ordered to third reading.

Sen. NIXON: I move that the rules of the Senate be so far suspended as to permit taking up the Special Order of Business for 7:01 at the present time.

Adopted.

SPECIAL ORDER OF BUSINESS 7:01

SB 49

relative to prohibited conduct of real estate brokers and salesmen. Ought to pass with amendment. Senator Claveau for the Committee.

AMENDMENT

Amend RSA 331-A:6-b, XV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XV. Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of a felony, or pleading guilty to any such offense, or

Amend RSA 331-A:6-b, XVII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XVII. Failing, in the case of a broker licensee, consciously to exercise active supervision over the activities of his licensed salesmen within the scope of this chapter, or

Sen. BRADLEY: Just so you will be aware, the amendment is printed on page 48 of today's calendar. The amendment is very insignificant, in terms of substance. It makes a change first of all at the bottom of page 3 of the bill, in which the various crimes are spelled out and we have taken out the various types of crimes and just inserted the term felony. That is one part of the amendment and the second part is on page 4 under paragraph 17, in the second line, we have changed the word adequate to active. These small changes were made at the request of the Real Estate Commission and I support the amendment and the bill.

Sen. DOWNING: On page II of section 4, where it refers to making any misleading or untruthful advertisement, using any trade names, is this aimed as protection of the organization of Realtors specifically, and do you think that we should be legislating this type of protection for an organization like that?

Sen. CLAVEAU: This could be almost any organization, but the reason is that no broker or salesman should give a false image as to the association he belongs to or doesn't belong to, the Appraisers Association, it would be almost any association. If he gives false information as to background, it should be a matter of ethics.

Sen. DOWNING: I question this Senator, because it seems that during the last session, we had a similar thing and the Judiciary Committee, which you were a member at that time, it was great concern over specific questions and interest in the organization known as realtors. Now, do you think that this should be written into the laws of New Hampshire?

Sen. CLAVEAU: The word realtors was used as I recall, but this doesn't solve the problem.

Sen. DOWNING: This is another way of doing it?

Sen. CLAVEAU: No, it is really not another way of doing it. There are many associations in the real estate field that people claim fame to and this has happened too many times. The realtors have a code of ethics and people believe this because of their strict conduct and there are those who are not in that organization and claim they are.

Sen. DOWNING: In the amendment where it changes the word adequate to active. How would you differentiate between the word inadequate and adequate and active, what does this mean?

Sen. CLAVEAU: This is kind of a difficult question, adequate to some people may not be adequate to other people. Active means positive action and active supervision.

Sen. DOWNING: On page 4, under section 16, violating any rule or regulation promulgated by the Commission — do you interpret this as giving the Commission the authority to make rules and regulations, which they will, without coming back to the legislature and being able to suspend and revoke

licenses accordingly, isn't this giving a tremendous amount of power to the Commission suddenly?

Sen. CLAVEAU: I believe the Commission already has the power at the present time to set up rules and regulations. I believe this is in the law at the present time.

Sen. DOWNING: Then having the power already there would be no objection from deleting this from this bill?

Sen. CLAVEAU: This is up to the Senate. I personally sponsored the bill and it would be up to the Senator's to decide to delete this and say what it should be.

Sen. DOWNING: Mr. President, I rise in opposition to the Committee Report. For a lot of people in the State of New Hampshire that earn a living by selling real estate on a part-time basis and there has been a constant effort ever since the organization of the Real Estate Commission to, in my opinion as to what they say as upgrading or close down the people who might be involved in the Real Estate Business and we are just moving to an exclusive club and I think that this would be one step to this if this legislation is passed and I think it would be the type of step that the Real Estate Commission might pass these rules that say if you don't sell so many pieces of property that you can't have a license. I do not think it is right that they have this authority and I don't think that they have it now. If this section was deleted from the bill I probably would be more comfortable with it but as it stands right now I am opposed to it.

Sen. NIXON: I rise in support of SB 49 just as it is printed and with the amendments proposed. I will give you a little background, this bill was introduced by Sen. Claveau at the request of the Real Estate Commission. Prior to 1967, anybody could buy or sell real estate without any stiff qualifications necessary to do so. The legislature at that time felt that this area of activity and professional conduct was important to the welfare of the people of New Hampshire and it was important that some minimum requirements in terms of qualifications and in terms of background and that someone to be entitled to deal and represent the public in respect with all of the important matters of buying and selling homes.

At that time a real estate commission was established and given certain powers including such powers as establishing regu-

lations for the purposes of enabling legislation. Since that time the commission has not been overwhelmed, but they have received a number of applications for licenses, examination procedures were set up and they required a certain amount of knowledge be obtained, or had by the person who was asking for this profession. On the other hand, with the increasing number of people moving into New Hampshire, particularly I might say in some cases the elderly people who are not knowledgeable in the area of Real Estate, and this has come to the attention of the Real Estate Commission and they have tried to get legislation in since that time.

I might say that this is similar to a bill which was more comprehensive, which was introduced in the 1971 legislative session and it was passed by the Senate and killed by the House in the closing days of the session.

Briefly, what this bill does is make illegal, conduct to the extent that the person who is a Real Estate Agent or Broker, who is involved might lose his license after a hearing before the Commission and he can then be represented. This could be for misrepresentation, false promises in order to get a sale, false advertising, using an insignia of an organization which he does not belong to, failing to keep accounts and records of any transactions for at least three years, using a double price mechanism, kickbacks, people who are seeing customers who are not engaged in the Real Estate profession, conflicts of interest, where he tries to represent both buyer and seller, placing for sale or for rent sign on anyone's property without the written consent of the owner, failing to furnish a copy of any listing, sale, lease or other contract, failing to disclose to an owner his intention or true position if he directly or indirectly goes through a third party, being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, failing within 30 days except for good cause shown to provide information requested by the Commission, as a result of formal or informal complaint to the Commission or doing anything in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency.

I don't see how anybody can object to people in this profession or to any profession being regulated in the manner in which I just described. This is in the best interests of the peo-

ple of New Hampshire and not for the real estate profession or a code of realtors or a small group of realtors as my brother suggested. I strongly support this legislation and I hope my fellow Senators will support it as printed.

Sen. DOWNING: Sen. Nixon, weren't you in fact the sponsor of the bill that was introduced in the last session, that ended up being killed?

Sen. NIXON: Yes.

Sen. DOWNING: Senator, as chairman of the Judiciary Committee last term weren't there colleagues sitting on that committee at that time, such as Sen. Leonard, and others who deleted most of this business out of this bill and they were taking the position that it was really aimed at removing the so-called little people from the real estate business.

Sen. NIXON: The committee last time and the committee this time was composed of many able Senators. Frankly every bill that I submitted last year was substantially amended before they were passed and this year they all seem to be getting killed. I do not recall that the amendment to the proposed legislation on this subject two years ago limited excessively the subject matter, which was covered by SB 49 and others areas if I recall correctly. You may be right, my memory isn't any better than yours.

Sen. TROWBRIDGE: Sen. Downing, you were making a remark that somehow the amendment that we are talking about, changing the word active for the word adequate, would somehow mean that the part time real estate person could not qualify and keep his license. Is it not true. No. 17 is only talking about the fact that the real estate person, in the case of a broker licensee, is conscientiously to exercise active supervision over the activities of his licensed salesman. Isn't that all there is to the amendment?

Sen. DOWNING: I understood the amendment that is in there and I hope you didn't confuse it with anything else I said, I do say that there are several areas of concern and I do understand that amendment. I was just curious whether the committee understood the amendment and the need for the amendment and in fact the difference between the terminology, the two words which could be pretty much alike.

Sen. POULSEN: I rise in opposition to the bill. I think the only one thing is that the real estate dealer who is charged with misleading advertising could awfully easily trap himself with the information from the clients. In the surveying business, I find at least half of the acreage lots turn out to be wrong and if a real estate dealer advertises a 42 block and it turns out to be only 27 and a half acres, he has been mislead and I don't think he is guilty and I don't think he should be put out of business for that business.

Sen. S. SMITH: I rise in support of the committee report and amendment. This bill in effect gives the Real Estate Board a little more power and a little more authority to control those people who are brokers and salesmen in the field. In the last 10 years this State has had a 20% population increase. The land in my part of the State, the northern part of the State, has gone in 10 years from \$5.00 and \$10.00 per acre to \$125.00 and there are some sections for \$150.00 per acre. There are also some close to interstates that are thousands of dollars. There is money in this business. There is concern, there is interest and there are people coming in, who perhaps intend to be somewhat less applicable than people who have been in the field for many years and to protect the people of this state I think that this would be beneficial.

Sen. DOWNING: You refer to more protection and this type of thing, you don't think it all boils down to more empire building?

Sen. S. SMITH: In answer to that, I would like to say that I do not own a real estate broker's license nor do I own a salesman's license. I don't think that this involves empire building, I think it involves purely and simply a growing interest in New Hampshire's real estate and there is a problem of more and more people being taken in. I don't want to see happen in New Hampshire what happened in Florida and some of the other states. I hope that we have some protection for the public.

Sen. FERDINANDO: On page 4, it lists a number of offenses. I am wondering how you define incompetency and how it will be treated by the board?

Sen. CLAVEAU: I believe you can get that from a dictionary, but I will do the best I can. If a person is not able to live up to the real estate laws and who is not able to handle a transac-

tion in the public interests and the interests of the client, this would answer your question.

Sen. FERDINANDO: Let's assume that one of the Realtors was found guilty of any of these violations, is there an appeal process for them to follow, if they don't like the findings of the Commission? What process do they follow at this point?

Sen. CLAVEAU: They can appeal to the Superior Court and have a trial by jury.

RECESS

OUT OF RECESS

Sen. Lamontagne moved that SB 49 be made a Special Order of Business for 1:02 on Tuesday next.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I want to apologize for requesting that this be made a special order, I personally feel, as a member of the Judiciary committee two years ago and a member of the committee today, that there are arguments that did come up this evening and many of them are arguments that I have never heard before. I would like to have the opportunity to be able to go over some of the arguments that have come up this evening and therefore be able to vote on it right next Tuesday.

Sen. NIXON: I rise in great indifference and great regret in respect to the proposed Special Order which was requested by Sen. Lamontagne, who is the dean of the Senate with 19 years of perfect attendance, and I think this has been fairly debated and it was fairly debated two years ago and there are no new considerations or arguments that would be made at another time. I think the Senate should either fish or cut bait and either pass or kill the bill and I think there has been arguments for and against which have been well stated by the others and I hope that the Senate, having in mind the Senatorial courtesy, as I understand it from some of those who have spoken before on this subject and it requires to some extent great indifference be made on this motion and I would say that I hope the Senate would vote down the motion and vote on the merits of this bill, having it been hashed and rehashed so that it won't go another two years.

Sen. FERDINANDO: I support Sen. Lamontagne's mo-

tion. I feel that if he has a question and he is in doubt about this bill, certainly waiting until next Tuesday, three or four days should not make any difference and if someone does not understand it we should wait to vote and I would certainly give him that courtesy.

Sen. CLAVEAU: Mr. President, I rise in opposition to the pending motion. This bill has been made a Special Order twice before on the calendar and the members have had plenty of time to look into it and I think we should pass this bill tonight.

Sen. DOWNING: I rise in support of the motion. I think it is a courtesy to the Senator requesting it and I think it is an important one to be upheld. With the recent meeting in Portsmouth we had some discussion relative to Special Orders of Business and some Senators objected to it only to find themselves in the next few days asking for special orders themselves. This bill has been carried for some time on the calendar as a special order of business and this is the first time that it has been debated on the floor of the Senate and there were points raised, questions on authority were raised and in my mind if a Senator wants to have further time to evaluate I think he should be granted that courtesy and I urge you to support the motion.

Sen. TROWBRIDGE: We are talking here in front of an audience and it may look like we are talking about something that is terribly important I think the other aspect that should be mentioned is that the Senate President asked all of us to help out in trying to get the order of business going and we have put many issues over to special orders time and time again, and I think it is time we respect the judgment of the Senate President and that we take a vote now on this bill.

Sen. PRESTON: I would like to speak in opposition to Sen. Lamontagne's motion. I operate a small family real estate business so this affects me more than it does the rest of you sitting here. After reviewing this, I see nothing in here that would have a detrimental effect to the small operations such as mine, or to larger ones. I urge you to vote against the motion.

Sen. CLAVEAU: I fail to see Sen. Downing's point, this will not affect the little fellow and this bill is intended for the public and the commission's responsibility is to protect the general public from the unscrupulous brokers and I am a past

chairman of the Real Estate Commission and I have been supporting this real estate legislation since 1961. Since the Real Estate Commission has been in operation I have not seen anyone, any member of the Commission trying to squeeze out anybody and we have in fact been accused of giving licenses away. We have the largest amount of brokers and salesmen per capita in the country and there are over 10,000 brokers and salesmen, we had about 2,000 people taking the exam last year and I have never heard anywhere of anyone ever suggesting to restrict anyone from taking the examination and if Senator Downing knows something that I don't know about, I would like to hear about it. I have been connected with the Real Estate legislation for over 10 years. I have been in the business for about twenty one years and this is all news to me and I am very surprised to hear this.

Sen. DOWNING: Sen. Claveau, have you ever been aware of an instance where the public needed to be protected from the protectors?

Sen. LAMONTAGNE: Mr. President and members of the Senate, as a member of the Judiciary I recommend that we vote against the Committee amendment. I hate to do this but I was personally denied the courtesy of being able to look this over on the weekend and I want the records to show that tonight we had more information given than we have ever had before on our committee two years ago and even this year. Therefore I am forced to vote against the committee report.

Roll Call requested by Sen. Lamontagne, seconded by Sen. Nixon.

YEAS

Yeas: Sens. Lamontagne, Poulsen, Gardner, Jacobson, Ferdinando, Sanborn, Provost and Downing.

NAYS

Nays: Sens. S. Smith, Bradley, Spanos, Nixon, Blaisdell, Trowbridge, Claveau, R. Smith, Bossie, Johnson, Preston and Foley.

Result. 8 Yeas, 12 Nays.

Motion lost.

Sen. LAMONTAGNE: I would like the record to show that I am in opposition to the last vote.

Sen. FERDINANDO: I would like the record to show that I am in favor of the last vote.

Sen. GARDNER: I want the record to show that I am in favor of the vote but I did vote to give Sen. Lamontagne a chance to look it over.

Adopted. Ordered to third reading.

Sens. Gardner and Ferdinando voting in favor.

Sen. Lamontagne voting against.

RECESS

OUT OF RECESS

HB 157

providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: HB 157 provides for stamping of beaver, otter, or fisher skins and permitting the sale of such skins. This bill was requested by the Fish and Game Department and it was assigned to their management and research division. This would allow for taking more pelts and for keeping track of the number of these animals in an area and there is no cost to the taxpayer. There was no opposition to the bill and as I said it was requested by the Fish and Game Department. It was felt that this might enhance the prices of them also. I move the adoption of the Committee Report.

Sen. FERDINANDO: What is an otter, I know what a beaver is but what is an otter?

Sen. PRESTON: I don't wish to take credit for reporting all of these, so I will refer that question to the chairman of the committee.

Sen. BLAISDELL: I don't know. An otter is a long beaver. Does anybody know out there?

Adopted. Ordered to third reading.

HB 226

relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This is relative to definitions in the passenger tramway laws and the cost of inspecting aerial tramways. This adds the definition of wire rope tows to the existing statute and referred to the conduct of skiing and the operator of the wire rope tow. In regards to inspection cost, the operators will no longer have to share one half of the inspection costs because the licensees have provided sufficient funds to allow the department of safety to conduct these inspections.

Sen. JOHNSON: What manilla rope?

Sen. PRESTON: This includes all types of the existing tows, just wire rope tows are in the existing statutes.

Adopted. Ordered to third reading.

HB 98

to provide for substitute ex officio member for the director of fish and game on the pesticides control board. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, I move the adoption of the committee report. This bill is to provide for substitute ex officio member for the Director of Fish and Game on the Pesticide Control Board. It simply provides for the substitution of the Chief of Game Management and Research for the Director of Fish and Game as an ex officio member to sit on the Pesticide Control Board. The Fish and Game Director has about 30 boards to sit on and he is a very busy person and the Committee voted unanimously that this bill should be passed.

Adopted. Ordered to third reading.

HB 132

relative to definition of resident under fish and game laws. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this bill simply provides that the word residents shall mean domicile under the Fish and Game laws. This will clear up the problem of deciding where a person lives and with people coming to New Hampshire who

own land but actually their home is in another state. This bill will clear up that point.

Sen. SANBORN: During the recent general elections I believe Attorney General Rudman made certain statements relative to residency, he said that it could be down to even 30 days or even one day and actually there was nothing in the statute. I was just wondering if we are going to run into trouble with the Fish and Game, trying to establish a residency?

Sen. BLAISDELL: The answer is no, all this does is change the word resident to domicile.

Adopted. Ordered to third reading.

HB 155

relative to penalty for false statements for purpose of procuring fish and game licenses. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: This bill changes two things, the "head and poll tax" out of the RSA to "Resident Tax" to reflect a change in the taxes now collected. The second change was to take the word "willfully" out of the bill because in a court of law they felt they could not prove when someone says willfully. This changes those particular words and that is all.

Adopted. Ordered to third reading.

Sen. NIXON: May I say Sen. Lamontagne, I appreciate your courtesy in respect to the motion which was defeated in the interest of the workload of the Senate.

Sen. LAMONTAGNE: This is the first time I ever lost and I also appreciate your courtesy.

PRESENTATION TO SENATOR SANBORN

KNOW ALL MEN BY THESE PRESENTS THAT

Whereas, State Senator William E. Sanborn, District 17, of Deerfield, New Hampshire, has, in addition to his many other civic and community contributions been a Member of the American Legion for twenty-six years, and served said worthy organization, and the noble causes it espouses, as a Post Commander, a District Commander, and a Department Commander, and;

Whereas, said William E. Sanborn was honored by the

Hoague-Batchelder Post 103, of Deerfield, New Hampshire, by the presentation to him by Philip R. Sidmore, Post Commander, and Robert A. Stevens, Post Adjutant, of a Life Membership in the American Legion, and;

Whereas, his fellow Senators do not wish this milestone in the life of Senator Sanborn to go unrecorded;

NOW, THEREFORE, THIS,

CERTIFICATE OF RECOGNITION

is hereby presented to State Senator William E. Sanborn by the Members of the New Hampshire State Senate during a Senate Session in the Town of Amherst, New Hampshire, to record their congratulations to him, and their respect and affection for him.

Executed and presented this fifteenth day of March, A.D. 1973.

David L. Nixon, President

Harry V. Spanos, Vice President

Attest: Wilmont S. White, Clerk

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by captions only and that when we adjourn we adjourn until Tuesday at 1:00 and with thanks to the Town of Amherst for acting as host for our March 15th meeting. We thank the women's club for their aid in preparing a delicious buffet which we enjoyed in the meeting room of the Congregational Church on the Common. Our thanks to the school system for the use of this school. Our thanks to the Boy Scout troops who posted the colors and who lead us in our salute to the flag. Thanks to the Amherst selectmen, to the guest chaplain, to the security officers who took charge of the parking lot on such a rainy night, to the League of women voters for their assistance here this evening, and to all others who contributed to the success of our Amherst session. We are most grateful for the large and interested audience. It is most gratifying. We adjourn in honor of two outstanding statemen who coined the phrase "Go West Young Man" Horace Greeley, the other, Sen. Sanborn of Deerfield.

Adopted.

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to put on third reading and final passage at the present time: HJR 20, HB 89, HB 170, HJR 6, HB 280, HB 183, HB 245, HB 139, SB 49, HB 157, HB 226, HB 98, HB 132, HB 155, and that we dispense with the reading of the titles and act on the bills as formerly read by the chair.

LATE SESSION

Third reading and final passage

HJR 20, transferring certain accumulated income to the principal of the special teacher competence fund.

HB 89, relative to stallions running at large.

HB 170, relative to overtaking and passing upon the right of another vehicle.

HJR 6, resignating United States route no. 3 and interstate 89 as part of the Blue Star Memorial highway system.

HB 280, relative to state registration certificates for airmen.

HB 183, to provide right of way for highway purposes through New Hampshire Hospital land.

HB 245, naming Ragged Mountain Highway.

HB 139, relative to the license fee required for oystering or clamming.

SB 49, relative to prohibited conduct of real estate brokers and salesmen.

HB 157, providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins.

HB 226, relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways.

HB 98, to provide for substitute ex officio member for the director of fish and game on the pesticide control board.

HB 132, relative to definition of resident under fish and game laws.

HB 155, relative to penalty for false statements for purpose of procuring fish and game licenses.

Adopted.

Sen. SPANOS: I move reconsideration of SB 49 and urge my fellow Senators to vote no.

Motion lost.

Sen. Porter moved the Senate adjourn at 9:30 p.m.

Tuesday, 20Mar73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Lord, we thank Thee for the miracle of Spring!

Let us all remember, that this particular season is to give us *all* hope for the renewal of our energies and the gift of a New Beginning!

Purge us of resentment, heal us of malice and in their place help us to rise up and go forward with a new source of energy, optimism and courage.

And as I bless this session, I too will hopefully be blessed.
Amen.

Pledge of Allegiance was led by Sen. Downing.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway. (Smith of Dist. 3 — To Public Works and Transportation.)

SB 94, relative to the landlord and tenant relationship. (Smith of Dist. 3 — To Judiciary.)

SB 95, abolishing the position of assistant bank commissioner. (Smith of Dist. 3 — To Banks, Insurance and Claims.)

HOUSE MESSAGES

NON-CONCURRENCE BY THE SENATE ON HOUSE
AMENDMENT AND REQUEST FOR COMMITTEE
OF CONFERENCE ON

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

On motion by Senator Downing the Senate voted to non-concur and requested a committee of conference.

Adopted.

The Chair appointed as members of said committee on the part of the Senate, Sens. Downing, Lamontagne, and Sanborn.

ENROLLED BILLS AMENDMENT

HB 132, relative to definition of resident under fish and game laws. Ought to pass with amendment.

Amend section 1 of the bill by striking out the first four lines and inserting in place thereof the following:

1 Resident Defined. Amend the term "Resident" as defined in RSA 207:1 by striking out said definition and inserting in place thereof the following:

Adopted.

ENROLLED BILLS REPORT

HB 56, making certain corrections in statutory references to gambling.

HB 89, relative to stallions running at large.

HB 98, to provide for substitute ex officio member for the director of fish and game on the pesticide control board.

HB 122, providing for rules of professional conduct in the practice of engineering.

HB 139, relative to the license fee required for oystering or clamming.

HB 140, relative to additional requisites for approval of subdivisions by planning boards.

HB 143, relative to the form of fish and game licenses.

HB 155, relative to penalty for false statements for purpose of procuring fish and game licenses.

HB 157, providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins.

HB 170, relative to overtaking and passing upon the right of another vehicle.

HB 183, to provide right of way for highway purposes through New Hampshire Hospital land.

HB 194, authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate.

HB 226, relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways.

HB 245, naming Ragged Mountain Highway.

HB 280, relative to state registration certificates for airmen.

HJR 6, designating United States route no. 3 and interstate 89 as part of the Blue Star Memorial highway system.

HJR 20, transferring certain accumulated income to the principal of the special teacher competence fund.

HB 8, repealing the bounty on bobcats.

For the Committee.

Sen. Provost

RECESS

OUT OF RECESS

COMMITTEE REPORTS

HB 314

relative to accident and health insurance issued under franchise plan. Ought to pass. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: I move that HB 314 be recommitted to the Committee on Banks, Insurance and Claims.

Adopted.

INTRODUCTION OF GUEST

Introduction of Stewart Lamprey, Chairman of the Data Processing Commission to speak on the functions of the department.

Mr. LAMPREY: Mr. President, what I would like to do if it would be acceptable to you, would be to give a handout to the members of the Senate so that they might, in three or four minutes to familiarize themselves with some of the salient problems and the number of people that we have employed in Data Processing and a little something which would perhaps generate some questions and at the same time I would ask your director Mr. Arthur Hill, and Commissioner Roderick Ricard if they would perhaps come up here to assist me with any technical questions that might be asked.

RECESS (1 minute)

Mr. LAMPREY: The Senate President said that unless you are a lot brighter than he is you couldn't possibly assimilate the information that has been passed out to you in three or four minutes and therefore asked me to go along with my presentation which I'll be very happy to do.

I would like to introduce first our new Director of Data Processing, Mr. Arthur Hill on my left who comes to us from the State of Delaware. He has been in the Data Processing Field for about 25 years, he was in charge of Data Processing here in the United States in the United States Marine Corps, and for the United States Marine Corps handled the main Computer Center at Danang which supplied at one time at the height of the Vietnam conflicts the facilities for about five hundred thousand men so you can see that he is a real experienced man and we are very fortunate to have him with us. He came on the job yesterday and we are going to put him under fire a week from today before the House Appropriations Committee.

Also on my left is Commissioner Roderick Ricard who has been in the Data Processing Field for between fifteen and eighteen years — before coming to New Hampshire he was head of the Division of Systems for the American Motorists Insurance Company and then came to the U.N.H. The point is that about two and a half years ago, as a technical expert on the Data Processing Commission, he was Director at the U.N.H. of their

facilities. What I would like to do is perhaps spend just a minute or two going over some of the charges or responsibilities of the State Data Processing Commission and then leave it open to questions and answers or inquiry and debate, whichever way you'd rather look at it.

Date Processing came into being in 1967 or 1968 after an extensive study that was made by the General Court. The General Court authorized a study of Data Processing and they developed a report by the General Electric Co. which culminated in Governor King appointing a special committee of prominent experts in the field of data processing, public members and some legislators to a committee which brought in a report to him for adopting at the next legislative session.

The report was adopted and now Central Data Processing came into being. Primarily it is charged with the responsibility of formulating policies for all Data Processing equipment in the State of New Hampshire of which there are presently three facilities. One, which is the main one, is located at 1 Pillsbury Street in Concord; the other one is the highway computer, and one at the office of the Employment Security. We operate primarily the one at Pillsbury Street, the highway computer is primarily used for the purposes now of highway usage and as of July 1, will be for highway purposes only. All programs will be handled out of the location of 1 Pillsbury Street.

We have at 1 Pillsbury Street a very powerful computer. One which should serve the needs of N.H. for an additional five or six years without new equipment being added to them. The Data Processing Commission served for a period of about four years with a very small computer at the highway department during this particular time we were developing programs and information systems so that we have at the present time thirty five programs on line. We do, I might say, have a computer that does compute. Just about any information that is put into that machine we can get out for you in the time limit in an orderly fashion. We are about four months away from having a complete financial capability for all of the fiscal needs of the state on the computer. We are a service organization.

We do not deal with the general public. We deal only with other state agencies. And we have a relationship, which, I think on the whole is very good. We do programs that are primarily

funded and the priorities are set by the General Court. You determine what we will do in the area of data processing because, after all, you are the source of the money which funds the data processing system. I would like to say that if Data Processing is to be a useful instrument in the next biennium that it will be necessary to fund, over and above recommendations which have been given to you, in the Governor's Budget Message. Even though all the money practically has been left in as far as the individual agencies are concerned, our capabilities to operate the computer itself would be at such a level so that we could not service the agencies.

I might say that the year 1975 is the peak year of funding. After that we will be asking the General Court for less money and our goal is to reach a zero operating budget as far as the agency is concerned. We should be, we will be charging back for services to the various agencies of the State whatever money is necessary to operate the computer.

The computer in itself is a management tool. It's not just a big black box there to spit out information. What our goal is as a Commission I should say is to give a total management information system for the General Court and for the Executive Branch of Government. I think with few brief remarks what I'd really like to do is to open the session up to questions and answers and I am not an expert as far as the black box is concerned, but Rod Ricard is here and he'll take those questions which technically I would be unable to answer.

Sen. NIXON: Thank you very much Mr. Lamprey.

Sen. SPANOS: Mr. President and Mr. Lamprey, I'm going to ask you the same question that I asked Mr. Flanders the other day, Stewart, and that eludes to — and I'm not an expert on the black box either, but I think in this area I think you are, so I hope that it's not an invasion. In the inaugural address by the Governor, he indicated that the State's Accounting System borders on the scandalous and then suggested a reorganization of the Tax Commission, the Department of Administration and Control, the Treasury Department and your Centralized Data Processing Company, I mean Commission. Now, first of all, I would like to ask two questions. One, do you believe the State's Accounting System borders on the scandalous and, two, if it is, is the solution in the area of reorganization or in some other area, and if so, what is it?

Mr. LAMPREY: Wow! That's quite a question. It's a good question. It's a timely question. Let me say this, that as far as I've known, there is no scandal connected with the Data Processing System or Agency or anything else. After the speech was made which you elude to by Governor Thomson, which was almost five weeks ago, I for one, as Chairman of the Commission, nor has any member of our staff ever been contacted by any member of the Executive Department or any Legislator, for that matter, in order to inquire of us as to whether or not we were functioning properly and just what the scandal was. Quite frankly, I think it's a case — you know lots of times people shoot from the hip, in this instance, people shot from the lip.

I would like to say that after waiting for a month's time for someone to come to us and look at the problem of Data Processing that I wrote Senator Trowbridge as Chairman of the Senate Finance Committee a ten page letter which outlined, as far as I'm concerned, the feelings of the Data Processing Commission because this letter was approved by them and outlining for him the work load that we presently carry and what we had in progress at the present time. I'm sorry that no one came to the defense of Data Processing particularly in the area of the fact that the books hadn't been closed for twenty months. Certainly Data Processing can do nothing about this. That's up to the comptroller and that's where that sits.

But let me just say this, that I was asked to be the Comptroller of the State of New Hampshire before Jack Flanders took that office over and for a period of three weeks to a month I studied the operation in the Comptroller's office and it was my final conclusion that there wasn't any man that could go in there and straighten the situation out with the weak orders that were available to them.

Therefore, there have been attempts made to straighten out the fiscal aspects, but they, in my opinion were made by monies which have been given to the Comptroller's office in the form of people to help straighten out the books and two from a Branch from the New England Regional Commission in order to give him enough people so that he can handle the paper work. Now that's not his fault. If anybody, that's the Legislature's fault because you haven't kept up with giving him the resources in order to supply the information. Somebody may be the 'fall

guy' — I have the feeling that it may be Jack Flanders. I hope it isn't going to be because I know of no man in State Government with a greater degree of integrity than he has.

Now let's get to the problem of reorganization. I don't know what the genesis is of the present reorganization plan. Senator Trowbridge was good enough to furnish me with a copy so that I have had at least a chance to give it some perusal but, from what I can learn it's completely contradictory to the policy which has been established for Data Processing Systems in a modern management information system. I take that in a standpoint of the original General Electric Report.

From the General Electric Report came this study and this study said that data processing should be an independent department, accountable directly to the Chief Executive and to the Legislature. I think that if you, at the present time at least **my thinking** is that if you do build a higher bureaucracy over what you have at the present time that that would be a little bit too bad seeing that you haven't given sufficient support to the departments that have to operate them at the present time.

I am finding it a little difficult in my own thinking that we would have a situation where the Legislature was told by the Chief Executive that it should not build its own bureaucracy, but, in turn, feels that there should be a chief — or a person that should have the overall direction as far as the Fiscal Affairs of the State is concerned. I think this would be the most powerful person in State Government.

I would just like to say one other thing from a personal standpoint and that is that integrity of the confidentiality of the files in data processing are very important. I know that under the present system we plan to bring the Tax Commission in with the Comptroller and the Treasurer and so do other offices and, quite frankly, I for one, and I think you can understand my position, thank God every night that I have between me and the Chief Executive a Commission which is appointed by the Supreme Court of the state of New Hampshire. So confidentiality becomes a very important and integral part of this whole problem.

Now, I am sure that the President of the Senate, Speaker of the House, and the two chief fiscal officers have good reason for wanting to do that. I have a great deal, personally, high

regard for the integrity and respect for the Chairman of the Finance Committee and I know that ultimately they are going to do the right thing, one, about straightening out the problem that presently exists and two, about bringing about the proper legislation in order for a management information system to operate effectively in the state of New Hampshire.

CENTRALIZED DATA PROCESSING

This Department was established by the 1967 Legislature (Laws of 1967, Chapter 253) and is directed by Acting Director Joseph A. Callanan, who is responsible to the Data Processing Commission. The Department is located in a rented building at 1 Pillsbury Street, Concord, New Hampshire.

DIMENSION

The organization is structured to operate with *three distinct divisions* whose members are functionally assigned to project teams to design and implement Management Information System.

1. The Division of *Management Information Systems Analysis* is a task force of "management engineers" whose responsibility is the analysis of business methods, and the design of Management Information Systems to meet user requirements.

2. The Division of *Computer Application Programming* provides the interface between the specifications of the "management engineers" and the computer. This function translates the requirements of the system into the machine language of the computer.

3. The Division of *Computer Operations* is organized in a production environment providing a data processing service to State Departments that include the keypunch preparation of input data, editing and validation of output, computer processing and daily pick-up and delivery of documents.

BREAKDOWN OF DIVISIONAL POSITIONS

	Analysis	Programming	Operations	Total
Management	1	1	1	3
Professional	20	15		35
Clerical	1	1	6	8

Computer Operators			7	7
Operations Support			15	15
	—	—	—	—
Division Total	22	17	29	
Office of Director				4
				—
Department Total				72

The Department has a large-scale computer (Honeywell 6060) which, with planned stages of expansion, is expected to satisfy the data processing needs of the state for the foreseeable future. The computer is currently processing the data of 16 major Departments.

FUNDING

The 1971 Legislative Session approved an operating budget for the Department which authorized a spending level commensurate with an ability to earn funds budgeted in other agencies. More than one-half of the Department's total appropriation was to be earned.

With the exception of a Federal Grant to implement the Criminal Justice Teleprocessing System made available through the Governor's Commission on Crime and Delinquency, the source of the Department's funding is the General Fund.

BUDGET SUMMARY

Total Appropriation/ Request	73	74	75
	\$1,718,305	\$2,553,500	\$2,701,400
Less Income from Other Funds (Chargeback)	1,151,605	1,586,600	1,675,900
	—	—	—
Net Appropriation	\$566,700	\$966,900	\$1,025,500

RESPONSIBILITY

The Department is charged to:

1. Establish and operate a data processing agency to serve all other departments and agencies of the State.
2. Give prior approval to any rentals, purchases, programming costs, inter-department and/or regional agreements or consulting fees relative to data processing.

PROBLEM AREAS

1. Security of Data

The State Computer Center is temporarily housed in a rented facility which has a lease expiration date of July 1, 1973.

The day-to-day operational data and master files of 16 major departments are physically located here.

The Department has submitted a capital budget request for a permanent facility in which necessary safeguards can be planned to protect this data and insure the continued operation of such systems as the State payroll, appropriation accounting, criminal justice teleprocessing, motor vehicle registration, and tax data processing.

2. Priority Direction

As with any central service facility, demands for service must be weighed against each other and determination made as to the importance of their priority.

Currently, State Departments request legislative funding to purchase data processing services. By appropriation to these Departments, the Legislature has established a biennium scope of work for this agency. The Executive Department has further established a Data Processing Committee to define the sequential priority within this two-year scope of work.

This procedure has permitted us to develop and implement management information systems as they are most needed in the minds of the Legislature and Executive Department.

Your assistance in the continuation of this procedure would be greatly appreciated.

3. Retention of Trained Operations Personnel

A serious problem exists in the retention of qualified operations personnel. Salary levels for keypunch operators, data control clerks, and computer operators are far below industry and are based on the rates established for tabulating centers in other State agencies.

These decentralized centers do the work of an individual agency and are usually not geared to a production cycle. At the State Computer Center, equipment is operating and staffed two

full shifts a day, with plans being made for a third. Further compounding the problem is the lack of a shift differential in pay.

We are hopeful that the recent personnel/management study will recognize this problem and recommend a solution.

SUMMARY

This narrative was intended to be short, factual and informative. We are prepared at your pleasure to enlarge upon any aspect of this report or to provide additional information about the Department and its activities.

Sen. BRADLEY: Could you give us an idea, Stewart, about the types of files and information that you will eventually get into the computer, if they are not already there which should be considered confidential. And I have a second question after that which is, how is this presently regulated access to this type of information, how is it presently regulated and how do you foresee it being regulated in the future?

Mr. LAMPREY: That's one of the real reasons for keeping the Data Processing Agency as an independent identity. One, we respond only to a user's request, in other words the business of Health and Welfare, the business of Safety, the business of Fish and Game, we will only give that information out to that Agency. To no other Agency will we give the information. Therefore, if a request is made of us it will just go back to that Agency. What he does with that information, that's his business, we won't give it to anybody else. For instance, if the Governor of the state of New Hampshire should call up and ask for a certain file we would route it through and ask that that request come through, for instance, the Department of Health and Welfare. We would not give it directly to the Governor.

Does that answer your question?

Sen. BRADLEY: The second part, I was interested in what sort of things, what sort of files are there which would be sensitive enough for this.

Mr. LAMPREY: We have a complete list of business profit tax files at the present time, I know, on tape. Just the listings. We consider that confidential information. We will not even give that to the Labor Department even though you, through

your legislation, have requested that they accumulate that information. They accumulate it on its own because you have said in your Laws that that information shall not be given to any other agency. And therefore, we regard confidentiality to that high a degree within the confines of our own files. Roger would you like to expand on that?

Mr. RICARD: I would like to address not so much confidentiality, but sensitivity also there are two different bodies of data coordinance. Confidentiality, of course is that you are alluding to the kinds of things which absolutely should not be by law given to anybody else or utilized by anybody else. I think Stu answered the question very advertently and said that whatever data files we accumulate for any particular agency, we only return an information form to that agency, consequently there is no access to that information except by the Agency that built the file originally has a responsibility for guarding that data. You can't just look at the data accumulation for confidentiality, there is also sensitivity.

For example in the educational programs, I'm sure there will be a complete listing of all the teachers in the state or names and addresses and maybe if you have a pertinent piece of information about them. That can't be considered confidential, but it certainly can be considered sensitive. There are many organizations and corporations who would like to get that list to solicit, should they do that. Now the only person who could rule whether that's so is the Education Department so that there are a variety of data sensitivity, information sensitivity and with a Data Processing Agency that is completely autonomous and separate from all agencies and yet servile to those agencies. All individual agencies maintain their own confidential rules and we adhere to them. If we were to be associated with one agency under another agency then we would not have that liberty to do so. There are a variety of other files and I could probably pick something up here and list them all to debate. It will cover eventually every agency in the State Government which these are the basics.

Sen. JACOBSON: Mr. President, I have three or four questions, shall I ask them all or take one at a time?

Sen. NIXON: If they're related ask them all, if they're not related ask them one at a time.

Sen. JACOBSON: Well some of them are very simple, the first question, Mr. Lamprey is in response to your question to Senator Spanos, how did you interpret the word scandalous? Did you interpret it as scandalous in scandalous in criminality?

Mr. LAMPREY: Well, I looked it up in the dictionary too, and I didn't know how it was intended because it was merely in the speech as using the word scandalous — scandalous to me means both. It could be criminally scandalous or could be that we were wasting the State's money, it could be a number of different things. The thing that I would just like to say is that certainly there has been no attempt on the Executive Branch of Government or on the Legislative Branch of Government to find out what it meant either.

Sen. JACOBSON: My second question relates to a remark in which you thanked God, and I didn't quite understand the relationship between you and the tax commission. What relationship do you and the tax commission have in terms of the Data Processing Commission?

Mr. LAMPREY: Oh, I don't know, perhaps I'm just a little sensitive about my files, the confidentiality that my files have reached.

Sen. JACOBSON: In regards to the questions that you responded to Senator Bradley, is there not a distinction between kinds of information, now both of the responses, both yours and the gentleman over there related to persons who are outside of Government, it seems to me that there is a little bit of a problem suppose that the Legislature wanted to have a Data Processing run of the financial operation of the Fish and Game Department, now, as I understand it, we could not ask you for that run, we would have to go and ask them for that run.

Mr. LAMPREY: Or through LBA. Or through your, or perhaps Legislative Budget's office might probably furnish you with that information.

Sen. JACOBSON: I see, that the Legislative Budget's Assistant could be furnished with that information regarding the actual Fiscal operation of the State.

Then I have one final question. I'm just an ordinary person here but I've noticed from the budget that we've spent hundreds of thousands, really millions of dollars for the data pro-

cessing commission over the time that I've been in the Senate and yet, I've never yet had an analysis of the productivity of that expenditure. Could you summarize that for us?

Mr. LAMPREY: Yes, and instead of my taking time to summarize it, I have brought with me, anticipating if somebody, Senator, might ask that question, those operational systems that we had. Instead of passing them out, I'll just leave them I think, those who are interested can come up and just pick them up, Mr. President.

Sen. NIXON: I believe there are thirty-six in number.

Mr. LAMPREY: There are forty of them.

Sen. TROWBRIDGE: Stewart, I'd like to ask a question. You noted that no one came around to see you after the Governor's Budget Message, and did it ever occur to you that no one came to question the Data Processing Division about "the scandal" and there was no reference ever to the Data Processing Commission being in any way being implied, connected or imputed with any scandal in that speech. The speech will say — I heard it for the first time when the Governor gave it, I had no preknowledge of it either — but he was saying that the situation borders on the scandalous. The situation the Accounting System, that we cannot close the books for Fiscal 1971 and here it is '73. That's the scandal, why, and it has nothing to do with the Data Processing Commission.

Mr. LAMPREY: Well, you may be correct and I may be oversensitive but here in his speech is Centralized Data Processing and on the second paragraph down he talks about the scandal. Now, maybe I don't read it correctly.

Sen. TROWBRIDGE: The headlines someone put in there may be misleading, but the words were certainly I am sure were not intended in any way and I haven't heard of anybody discussing the fact that there's a scandal of the Data Processing Commission. I would like to have you recognize it, tell me who's been saying that and I would like to hear it.

Mr. LAMPREY: Well, "at present we have neither a modern computer system nor good accounting practices in many of our agencies. After four years of analyzing a program and the spending of billions of dollars we have nothing more tangible in the way of a modern accounting system for State Govern-

ment. We are brewing the dregs . . . of the biggest scandal in the history of the State."

Sen. TROWBRIDGE: But that has nothing to do with the data processing commission, and it had to do with the . . .

Mr. LAMPREY: You're telling me that you're absolving us from all of that which has to do with those remarks, I'll accept that . . .

Sen. TROWBRIDGE: Well you can get it from me, Stewart that you are absolved. Whether that means anything to you or not.

Sen. PORTER: Mr. Lamprey, do you foresee the day when Centralized Data Processing might provide services for the cities and towns on some sort of a time sharing basis to assist them in their accounting practices and so forth . . . and perhaps even to extend it further, sometime to provide rental for scientific application.

Mr. LAMPREY: I think that we can foresee that the information that we gather at the present time would be invaluable to cities and towns. I do not think that we can forecast in a long range plan, that goes for about a five year period, going directly to cities and towns for computer services. I would hope that Legislature in its wisdom might make a study of this, consider the possibility of developing an information system for both fiscal and management information that would be beneficial to the towns. But I think this is down the road maybe five or six to ten years.

Sen. BROWN: At the Governor Peterson's Budget Hearing in December, there were three Department Heads. It requested that a part of all of their allotment to CEP be referred back to their department because of what they thought was poor results from DP and they felt they could do it better at the old way within their departments and I understand there has been a fourth department since then as so stated by letter. Would you explain the problems?

Mr. LAMPREY: Well if you would identify the departments, I'd be glad to.

Sen. BROWN: The Secretary of State was one. Mr. Blake, Tax Commission, the State Treasurer another and I've heard

since then the Liquor Commission has sent a letter to you stating as such. I don't say the letter was specifically sent to you.

Mr. LAMPREY: It was. The letter which was sent to me asks, (1) when they would align with Centralized Data Processing, and (2) how they should budget their money for the incoming years. We wrote that we would align with the Liquor Commission as of July 1, 1973 and that they should budget their money to us. Outside of that I've had no further communication with them. Relative to the business profits tax, Mr. Blake was trying to get under the Governor's request for a ten percent increase in his budget and therefore, asked for an allocation for \$20,000.00 that brought it down below the 10% increase that the Governor requested the department heads not to go above.

Since that time it is my understanding that he has, at least my staff has informed me, that he has put that money back in the budget. That's as it stands at the present time to the best of my knowledge. The Secretary of State — I don't know what the situation is there, Mr. Brown, I'll have to find out and I will find out and I'll respond directly to you on that subject. I know certainly of nothing but recent cooperation with the Treasurer and I would expect any differences that we might have had in the past are now past being in doubt and that we will not have a problem relative to the internal operation or indication of Treasury with CDP.

Sen. SANBORN: I have heard or seen quite a bit here or heard quite a bit of the computer pros and cons. The Anderson Little Report is said that, it gives the inference that a good deal of time is still being wasted, I believe they say something about re-inventing the wheel, would you care to comment?

Mr. LAMPREY: Yes, what they were saying was that in their opinion we should go out and buy software packages, in other words, that's what makes the computer run actually. I'd like to say that in most instances that's exactly what we do. We do buy packages either from commercial people like IBM or from other states or from the Federal Government that have already developed the package. For instance, the package which is being developed at the present time for Health and Welfare. If we were to develop that package it would probably cost us in the vicinity of two or three million dollars. The total cost of us for

that package because we brought in the Ohio system, we're adapting that to the N. H. computer, it will cost Health and Welfare approximately \$250,000.00 to convert.

We don't think that we are inventing the wheel in many instances. We have developed a few packages such as school lunch program which has been used in turn by many other states. We have to develop some packages ourselves. When you develop a package it costs you money. But if other states are going to do it for us we have to do it for some other states. I guess that's the answer to that.

Sen. CLAVEAU: When the Data Processing Bill was passed, I think it was in '69, it was my understanding that it would include all departments including employment security and the Highway Department. I see that the Highway Department is not included at the present time. Data Processing is not being used. Could you tell us about that?

Mr. LAMPREY: Yes, Highway is included and even though it's run as a separate entity by Highway, and after the first of July only Highway will be on their own computer and we think that they should have their own computer because of their specialized engineering problems that they had. But it is under the jurisdiction of the N. H. Centralized Data Processing Agency. Employment Security — the Legislature, in its wisdom passed a special act which allows that Employment Security can have their own computer.

Personally, I think that that was a mistake. Quite frankly, at the time we did not have the capability nor the capacity in order to handle employment security problems and that's why they had their own computer. At the time it was the expedient thing to do. And Mr. President, just before I sit down, I'd like to thank Sen. Smith for his valuable contribution on the Data Processing Commission. As you know, there is one Senator and one member of the House of Representatives that serves on the Commission. They put in many long hours as most Commissioners do, with very little in the way of reward. So I'd like to take this opportunity to thank Sen. Smith and Mr. President, I would like to take this opportunity to thank you for the opportunity of coming before the Senate to talk and as you said to be as candid and as frank as I would care to be. Thank you very much.

The CHAIR: Thank you Mr. Lamprey. The Chair would like to state the Commissioner has been granted absolution. Also, the Chairman of Senate Finance will be pleased to know that there is no question about his integrity.

In defense of the leadership, the Chairman of the Commission has the only copy of the new departmental legislative program that the president of the Senate had in his possession, and futher, I hope that in respect at least to the appointment of the Director of the Data Processing Commission the Chairman feels that the legislative leadership acted properly with respect to the statutes.

RECESS

OUT OF RECESS

COMMITTEE REPORTS (Continued)

SB 15

relative to a statewide curfew of ten o'clock P.M. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. Bradley moved that SB 15 be recommitted to the committee on Judiciary.

Sen. BRADLEY: I apologize for this, Mr. President, there is pending legislation in this area, and it was thinking of the members of the Committee in the absence of the sponsor that we should make this inexpedient and wait for the other bill. However, at the request of the sponsor of the bill, I am proposing by this motion to have it back to our Committee until that proposed legislation be made a part of this bill and coming under the sponsor's name.

Sen. LAMONTAGNE: Mr. President, I rise in support of the motion. As the Judicial Council has an amendment to that bill and should come back to the committee, they would have this amendment in the hands of the Committee and of course the Committee, and I have not seen that it is here yet, and I am hoping that my contact with them that they will be able to have the information necessary to amend that bill.

Adopted.

SB 7

abolishing appeals in criminal cases to the superior court

from district and municipal courts. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, speaking perhaps on behalf of the sponsor herself, she is not in a position to speak on this. This bill, unfortunately, did not incorporate the intent of the sponsor. It turned out to be a rather poorly drafted piece of legislation of which went well beyond what I understand to be the sponsor's intent. The committee has endeavored for some time to attempt to retrieve the good portions of this bill unsuccessfully, however. It is a present feeling of the Committee that appropriate disposition of the bill is inexpedient in the expectation that other legislation in this area accomplish some of the objectives of the sponsor.

Adopted.

SB 58

clarifying certain definitions under the charitable trust statutes. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, this bill was introduced for G. Wells Anderson who is the director of Charitable Trust for the state of N. H. and as a part of the Attorney General's Office. This bill if the Senators will closely look at it provides the definitions of two words 'charitable trust' and 'trustee'. During the last session of the Legislature we, the Legislature did adopt and it finally became law, the definition of Cy Pres Doctrine this further defines the Cy Pres Doctrine and it has strict limitations of this document. The Director stated at the hearing that he has problems because there were no sufficient definitions of trust which were included within that statute, so under this bill as proposed today, in trustee of a trust, may come to the director of charitable trust if petitioned by the Court under the Cy Pres Document to seek a decree to widen the scope of the Trust which had been set up. This bill is a Cy Pres Document and a petition to deviate from the Trust.

Adopted. Ordered to third reading.

SB 50

authorizing motions for summary judgment in the district court. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this is a bill which I sponsored and which is supported by the Administrative Committee

of the District Court. The bill is rather simple in what it does, it gives the same sort of power to the District Courts within the Judisdiction that they have, to dispose of cases in a speedy basis that the Superior Courts now enjoy. The device of a summer judgment is a well recognized procedural device for bringing civil issues to a speedy conclusion in Court. The bill would thus prevent unwarranted delays which are now possible in the District Court because they don't have this power. The device of a summer judgment has nothing to do with the criminal jurisdiction of the District Court.

Adopted. Ordered to third reading.

HB 204

establishing a fruit, wine, and marketing advisory committee in New Hampshire. Ought to pass with amendment. Sen. Downing for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a New Hampshire fruit marketing committee.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 429 the following new chapter:

Chapter 429-A

New Hampshire Fruit Marketing Committee

429-A:1 Committee Established. There shall be a New Hampshire fruit marketing committee which shall advise the department of agriculture concerning the production, promotion and marketing of New Hampshire-produced fruit and fruit products. Said committee shall be composed of the commissioner of agriculture and the director of the division of markets and standards, department of agriculture, each for as long as he holds his office. The following additional members shall each be appointed by the governor and council to a term of five years upon nomination by his respective agency or organization:

I. A fruit representative from the agriculture advisory board;

II. A fruit specialist from the New Hampshire cooperative extension service, university of New Hampshire;

III. A representative of the New Hampshire association of grape growers;

IV. A representative of the New Hampshire association of fruit growers;

V. A representative of the New Hampshire association of small fruit growers;

VI. A resource agriculture economist, university of New Hampshire; and

VII. A county agriculture agent.

429-A:2 Chairman, Meetings. The committee shall annually elect a chairman and shall meet at his call provided that the committee shall hold its first meeting at the call of the commissioner of agriculture within thirty days after the appointment of a full membership. Members shall serve without compensation.

429-A:3 Objectives. The committee shall become knowledgeable about and serve as a source of information to the department of agriculture on problems relating to the production, processing and, marketing of fruits and fruit products, and other agriculture products which may become of companion interest. The committee shall offer guidance to the state in its assistance to growers by way of informational, educational and technical assistance. It may propose or support legislation to the benefit of New Hampshire growers, processors and sellers of New Hampshire fruit and fruit products commensurate with the best interest of the state and its citizens. It may sponsor programs or activities to promote New Hampshire fruit and fruit products.

429-A:4 Cooperation with Other Agencies. The committee shall cooperate with and may coordinate its activities with the agricultural advisory board. The committee shall establish liaison with the bureau of markets and shall cooperate with said bureau in whatever manner necessary to qualify the department as a recipient of federal funds or assistance.

Sen. DOWNING: Mr. President, I move that the report be adopted as amended. The amendment will be found on page 44 and 45 of today's calendar.

Mr. President, this bill with the amendment had the support of the Ways and Means and Administrative Affairs Committee with the exception of one member who felt that the word wine should probably be kept in the bill. Basically, all this bill does is delete the word wine. The Committee in its wisdom thought that it was necessary because of the testimony that was given at the hearing on the bill. There was a great concern for small fruit, fruit growers and their products and a need was demonstrated to promote this area in our State as an industry and so forth. As the testimony progressed, the wine seemed to cloud up the issue. The intent seemed to be a little bit confused and it seemed in the best interest of the small fruit growers and markets and the by-products of fruit that it would be a much clearer understanding of the responsibility of the committee and there would be far less objection to it if wine were deleted from it. As amended, it would in fact establish a fruit marketing committee that would advise the Department of Agriculture concerning the production, promotion in marketing of the N. H. fruit and fruit products. It has representatives from the Agriculture Advisory Board, the Cooperative extension service from U.N.H., the Department of Agriculture, the Markets and Standards Division in the Department of Agriculture, the small fruit growers association, and it would seem to me it would be a very broad representation on the Committee and certainly might be able to represent the interest of this element of N. H. industry very well. And I urge your support.

Sen. FERDINANDO: Sen. Downing, I think the word wine, it seems the effect of the bill is to promote wine sales, N.H. winery sales, the understanding and the marketing of wine products in N.H. to make a bigger industry out of this, to help it along, or to get behind the industry. I'm just wondering, it seems that that is the story, that's the whole bill by taking this word wine out of it, by eliminating that word are you not taking the guts out of the whole bill?

Sen. DOWNING: I would say I don't believe so Senator, I don't believe the bill will accomplish any less than even what it was intended to do by its author. I would just quote from the bill or rather refer you to page 45 to the objectives of the Legis-

lation and that the committee shall become knowledgeable about it and serve as a source of information to the Department of Agriculture pertaining to the production, processing and marketing of fruits and fruit products. Recognizing that fruit products, one of them which is wine, as cider or many other things, I think you'll find that it will accomplish what you're speaking of. It may propose, I'll continue, it may propose to support legislation to the benefit to the New Hampshire growers, processors and sellers of N.H. fruits and products. Recognizing that wine certainly is a fruit product, Senator, I don't see where it leaves anything to the effect that it has intended.

Sen. SANBORN: I note that it says members shall serve without compensation. Can we expect though that by the next biennium they're going to be in here requesting mileage and so on and so forth with various other commissions we have here at the State House?

Sen. BRADLEY: Senator, I suppose you could reasonably expect it, but I don't know as whether you would plan on it.

Sen. PORTER: Senator, it seems to me that you've changed the intent of the bill or widened the scope or something to it. Could you tell me whether or not the sponsor who originated the bill in the House agrees with this change in thrust of the bill.

Sen. DOWNING: Yes, Senator, I discussed it with the sponsor and the sponsor does agree that the bill would do the job intended.

Sen. GREEN: I do rise in opposition to the amendment and being in the minority of the committee which supported the report heard today, I rise in opposition mainly because after spending a great deal of time with the bill and reading it over and so forth, I felt that the proposed amendment would really remove the purpose of the whole bill. One of the major problems that the fruit grower in this state is concerned about is grapes and the ultimate product, wine. In spite of what you might have heard, this bill will not effect the regulation and control of wine by the State Liquor Commission. I have personally contacted members of that group and I find no opposition by that group to this particular bill. I also have talked with the sponsor of the bill and found that she was very neutral on the position and venture to say that she sponsored it only on

the wishes of other people and she had no real strong feelings about the bill. It would appear that this is a good bill for residents in the State of New Hampshire who are in the fruit growing and wine producing and marketing locations.

Sen. DOWNING: Senator, would you explain what the original bill would have accomplished specifically if this bill is amended by the Committee Report.

Sen. GREEN: The bill, in its original form specifies specifically that the word wine in the wine producing industry will be dealt with in the commission. I think that the substituting of fruit products leaves a little bit of unclearness to the whole bill and the intent of the bill. I think it is just a way to adopt the major issue being proposed by the bill.

Sen. DOWNING: Senator Green, so you recognize wine as a fruit product?

Sen. GREEN: Yes, I do.

Sen. BLAISDELL: Senator Green, you said that the Commission has been contacted by the Liquor Commission and that they have no opposition to the bill.

Sen. GREEN: None at all.

Sen. BLAISDELL: Do you mean the bill in its present form with the amendment or do you mean with wine left in the bill?

Sen. GREEN: They had no objection when I inquired to the bill in its original form, they saw no reason why it shouldn't pass.

Sen. SMITH: Mr. President, I rise in support of the bill and in opposition to the amendment brought forth by the committee. Wine is a new product in N. H. which is why a number of people are attempting to develop the grapes and develop a high degree of efficiency in the growing of grapes and the production of wine. This is what this bill helps, attempts to aid and help. The amendment in itself as I see it does nothing but remove the word wine. And as Senator Downing stated, it leaves in the words in the amendment under the title objectives production, processes and marketing of fruits and fruit products. And I don't consider fruit products solely jams and jellies. I think there must be wine that's being considered in this. The amendment also, takes out of a member of this committee the

representative of wine processing industry who I feel is the cornerstone, or one of the cornerstones of this committee. And I think by striking out the word wine, what you are doing in effect is basically putting this committee into effect under a misname because I think the basis of this is to develop and increase the concern in the production of wine in this State and I hope that the Senate will go along to defeat the amendment proposed by committee.

Sen. LAMONTAGNE: Senator are you aware that we have a law that says that all N. H. products will be listed separately in the liquor stores.

Sen. SMITH: I'm well aware of this Senator, as a matter of fact I believe you were the sponsor of that Legislation.

Sen. LAMONTAGNE: Then don't you feel that what is trying to be accomplished here that by adding wine into this bill here that it's only a duplication.

Sen. SMITH: No. not in the least, I think that the purpose of this committee is to increase the quality of the wines that are grown in the State of N. H. and to further the ability to market, not necessarily in N. H. but outside the State where this wine could be sold and where it could compete eventually with some of your wines that come from California and New York.

Sen. DOWNING: Senator, don't you feel that to inject wine in here as against any other parts of fruit would be rather discriminatory against those who are not included?

Sen. SMITH: No, because I think that if you were looking over the bill, you have members of various fruit, you have the grape growers, you have fruit growers, you have small fruit growers, I think wine in effect is the end product of the various types of fruit.

Sen. DOWNING: How about cider processor, would you include a representative from the group on the committee?

Sen. SMITH: If there is such an association.

Sen. DOWNING: How about jams and preserves processors, Senator, would you include a member of that particular group on any committee?

Sen. SMITH: I don't think that they have asked to become a member of this committee.

Sen. DOWNING: Are you aware, Senator, of who, in fact asked to be a member of this committee and who, in fact, is a member of this committee because the judgment of certain individuals that they should be on that committee and if you are aware of that, then would you further insist upon adding one more category there which isn't represented by anybody else considering the fact that you could be discriminating against those others if they are not included?

Sen. S. SMITH: I'm not sure I follow your question. If a bill came in from the House in a very clear form and it seems to me that this would make the bill in the law and the committee workable group to further the development of the marketing of fruits and wine.

Sen. JACOBSON: Sen. Smith has answered my question.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I rise in support of the committee report and the reason why I speak in favor of this report is that you are going to have to draw a line. Now, in this bill here, there was the word wine that the committee sees fit to amend the bill by taking the word wine out. Now, I did introduce a bill that is now a law that N. H. products should be listed different — in a separate list in a Liquor Store. Now, we have a N. H. company who is manufacturing wine in N. H. and they are listed separately from the other wines that are bottled in other states. Now, we have Jenkins, who are bottling liquor so then if that's the case then I suppose that we ought to have because of a N.H. product that Jenkins ought to be included into this Commission. Now this is one of the reasons why the committee felt that the wine is liquor — that the matter of wine should be left to the liquor commission. Now the liquor commission are the ones who are promoting the liquor products here in the state of N.H. And they have to comply by the law that we now have on the books and that's N.H. products to be listed separately from other brands. Now, in this bill it has referenced back to the fruit growers and I can't see why that along with the people who are going to manufacture these fruits, or grow the fruits in this state to be interfering with the word wine. So if you're going to include wine then you ought to include liquor because we

have liquor that is bottled in this state here and it is a N.H. product. And it should be used equally with wine.

Sen. SANBORN: Senator, you mentioned the bill that evidently came in a couple of years ago giving preferential treatment to the wine growers and under the State Liquor Commission, does the State Liquor Commission promote N. H. wines outside this state?

Sen. LAMONTAGNE: Well their job is to promote in this state.

Sen. SANBORN: I said outside, Senator.

Sen. LAMONTAGNE: No they don't. But still these people are not going to stop them from turning around and doing like other manufacturers are doing by promoting their product into another state, that's their business. But within this state, it's the business of the Liquor Commission.

Sen. GREEN: Senator, is there anything in this bill that in any way spells out any infringing on the liquor commission in reference to wine and its production?

Sen. LAMONTAGNE: Senator, let me tell you, at the hearing, there was mention about the promotion that they want to make in N. H. in the Liquor Stores. Not in the bill but in the testimony there's been made evidence that has been shown to the committee.

Sen. BLAISDELL: I just want to ask again, Senator, does the Liquor Commission oppose this bill?

Sen. LAMONTAGNE: I don't know because I didn't ask them. I'm just going by what happened in our committee and by the people who make the testimonies.

Sen. BLAISDELL: In other words, you don't know, Senator whether they oppose it or not.

Sen. GARDNER: Mr. President, I spoke with Mr. Canepa last night, and as you know he is the biggest wine producer in the state and there are many stockholders in this state. Of course most of them are in my area. They're very much in favor of this bill with the amendment. They figure that they buy their products from the people that are growing grapes. They pay the highest prices and they figure that their product is superior to an-

other. I also called the Liquor Commission. I heard that they were against the bill. I asked if they were against this bill and they answered me they were for the bill with the amendment.

Sen. CLAVEAU: I rise in support of HB 204 without the amendment. I think the whole intention and thrust of the bill is to help the fruit growers who are producing wine. That is the whole intent of the bill and I think the amendment is taking this out.

Sen. DOWNING: I request permission to speak a second time.

The CHAIR: After Sen. Ferdinando has spoken.

Sen. FERDINANDO: Mr. President, I speak for the bill without the amendment for two reasons. One, as Sen. Downing earlier explained, that it wouldn't make any difference to the committee whether the word wine was or wasn't there seems to be accomplishing the same thing. So, obviously, it shouldn't be that much of a factor whether the word wine is in there or whether it isn't there and if the purpose of this is to promote the wine industry in N.H. and make more jobs for the people of N.H., I don't see any reason why we can't leave the word wine in there, that was the original intent of the bill. I would hope that most of you might consider that.

Sen. DOWNING: Thank you, Mr. President. There is a couple of points that I would like to clear up. First of all the Liquor Commission did not testify before the committee for or against this bill in any way shape or manner.

Now, probably, I suggest that you just consider the testimony of the Liquor Commission before the Committee. There was none, neither for nor against. Secondly, there was a very, very definite division in the testimony in support of this bill. Now the word wine did seem to effect the individual's perspective and how they looked upon this bill. The original group of proponents of the bill were very careful and very cautious to kind of separate themselves in any way shape or manner from the liquor business and the business of the Liquor Commission. They were very careful and quite specific about it.

Later there was testimony from two individuals in particular. One of his objectives in passing the bill was to be able to go into a liquor store and say we're going to have a Southeast

corner of every store for N. H. products only. Now, in my opinion, his intent is to infringe upon the authority of the Liquor Commission and in fact, influence it through this committee. That's clear to the committee that was hearing the testimony. Further, it was testified by another individual that he was very concerned with the degree of markup of his product that was being put on by the Liquor Commission, and with this committee and him on this committee and this is the emphatic testimony that we got he'll be able to do something about it.

Now suddenly you remove the word wine out of this, I think you're still going to serve the best interest of the Fruit Growers and processors in the State. But you're not going to have Agencies conflicting with each other. It will accomplish the purpose set forth by most of the people who are in favor of this bill. I think it will accomplish of everybody concerned with this bill because it will put out fruit and its products and I don't think anybody has been excluded, I think the fruit representatives, three different areas of fruit representatives will be on that committee, one is specifically grapes, one is small fruit, one is large fruit, so it doesn't make much difference whether you're making wine out of cherries or you're making it out of grapes, you are going to have a representative on that committee and your interest is going to be served in the State and out of State and I urge you again to support the Committee Report with amendment and avoid any confusion or any misunderstanding in this area.

ROLL CALL

Roll Call requested by Sen. Lamontagne, seconded by Sen. Porter.

Yeas: Sens. Lamontagne, Gardner, Jacobson, Spanos, McLaughlin, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

Nays: Sens. Poulsen, Smith, Bradley, Green, Blaisdell, Trowbridge, Porter, Claveau, Ferdinando and Sanborn.

Result: 12 Yeas, 10 Nays.

Adopted with amendment.

Adopted. Ordered to third reading.

RECESS
OUT OF RECESS

SB 55

eliminating the five year residency requirement to qualify persons seventy years of age or older for property tax exemption. Inexpedient to legislate. Sen. Green for the Committee.

Sen. GREEN: The Committee felt that by removing the five year residency requirement for persons over 70 years of age, that the State of New Hampshire would become a haven for out-of-state residents to migrate into our state to evade taxation. We firmly believe in assisting our senior citizens and feel that we have accomplished that aim in SB 2. If you recall in that bill we do give a tax break to our senior citizens of 65 years and older but do maintain the five year residency requirement. Our major purpose being assisting residents of our state and not everybody who moves into New Hampshire. Thus, we recommend the acceptance of the Committee Report — inexpedient to legislate.

Sen. BRADLEY: Mr. President, I move that the words 'ought to pass' be substituted for the words inexpedient to legislate as reported by the committee.

Mr. President, I introduced this bill because I felt that the present law constitutes a fundamental, unfair and perhaps unconstitutional division in our law. This law says that in order to enjoy the exemption which other residents have, the person has to be a resident of this State for five years. Now, this particular division only applies to those people who have gone over 70, number two, who have an income of less than \$4,000 or if married \$5,000, excluding such things such as life insurance, so forth, and three, who own assets of less than \$25,000. So we're talking about, in this bill, persons over 70 who are basically of rather limited means but who are responsible enough that they own real estate. In the case of a person who has been a resident for less time that has presumably been able to have sufficient means to come to this state and to purchase real estate and real estate which is not worth very much. Now, it seems to me in that category, that we ought to think in terms of fundamental appearance. Now to illustrate what I consider to be the unfairness of this particular provision consider adopting a law or a tax which said the opposite or which said this thing the other way

around, that is that we are going to have a tax, an extra tax imposed on only those people who have lived in this State more than five years who otherwise fall into this category. I think all of us would agree that such a tax would be thrown out on its face for being unfair and I think the Court would throw it out for being unconstitutional. Once a person has moved to this state and has established a bona fide domicile they are a resident of this state. We don't treat people who have been here for other purposes, two, three, four years five years or less, discriminatory in other areas and I see no reason why we should make this kind of discrimination. I don't accept the argument that this would bring in hordes of poor people over 70. I don't think that there is any evidence which has been brought forth and it seems to me that the burden is on those who propose this type of discrimination to demonstrate that there would be a threat that they would be inundated by hordes of people over 70 if we were to eliminate this particular provision.

Sen. JACOBSON: Senator, if your proposal were to be adopted, this would require an abatement of taxes, would it not? A further abatement of taxes?

Sen. BRADLEY: This would, I wouldn't call it an abatement of taxes, this would be only prospective in operation and increase the people who are bona fide residents of this state over 70 who otherwise fall in this poor category all the same.

Sen. JACOBSON: Senator, in fact, may I rephrase the first question. If the citizens that you speak of prove bona fide and qualified, they would receive an abatement, is that not correct?

Sen. BRADLEY: I don't think that the — I guess I'd avoid the use of the term abatement, they would receive the exemption.

Sen. JACOBSON: It's not a diminishing of their taxes.

Sen. BRADLEY: Correct, correct.

Sen. JACOBSON: Now, would this further diminishment of taxes be parallel with a diminishment in the cost factor of municipalities?

Sen. BRADLEY: No, I don't think that you can say that it would, and accept the argument which I heard you make earlier that when we introduce an exemption into the law we are of

course, redistributing the burden to other taxpayers who may not be any better equipped to pay the taxes than these particular people and I buy that argument to a great extent, but what I don't buy, is once we have made the exemption for some of our citizens of making this kind of arbitrary discrimination between our citizens.

Sen. JACOBSON: As your answer indicated, you then would agree that what would happen is that it would shift the cost to those who are possibly equally unable to pay by imposing an additional burden on them in terms of the tax structure, is that correct?

Sen. BRADLEY: That's correct, although, I just would add to it that I think that the legislature has indicated a policy to help in this particular category and therefore we should consider them deserving.

Sen. JACOBSON: As I understand it, what you object to is what you allege as a discriminatory nature. I noticed that the Supreme Court the other day upheld one form of discrimination, that is the Veterans tax exemption based upon the condition that they happen to be veterans. Now we have imposed a condition that says that they happen to have five years of residency. Now, with that Supreme Court decision, isn't it possible in the long line of Court decisions that we may also say that this is constitutional following out large interpretations.

Sen. BRADLEY: Well, I don't think it would be appropriate for us to attempt to debate the constitutional law underlying this issue. I don't propose to say that this will clearly be stricken by the Court. I do think though that there is very strong argument that could be made and might be a 50-50 case on appeal on the right case. In terms of trends, I think that it is very fair to say, however, that the trend is towards eliminating residence requirements in other areas, such as welfare therefore, I think if we're going to talk about the enlargement of any doctrine the constitutional doctrine which is being enlarged is one of preventing discrimination based on residency requirement.

Sen. Lamontagne moved that this bill SB 55 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, the reason why I

feel strongly in opposition to this bill is because I personally feel that if we take the limitation of these people 70 years old coming from another state are considered to be unfair, for those who especially have been residents for five years or more, and at the same time, I feel that this could create a problem for some small towns and therefore, at least there's five years of residence the person must be, in order to be able to get this exemption. I'm worried about the small towns that they could create a problem and this is the reason why I made this motion.

RECESS (1 minute)

OUT OF RECESS

Adopted.

Sen. Bradley is recorded in voting in opposition to the motion.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow a committee report on HB 262 without previous publication in the Journal.

Sen. TROWBRIDGE: Senator Sanborn will explain the bill for Senate Finance, but we have a deadline of April 1 which makes quite a bit of difference and that's the reason I'm trying to bring it in under suspension, if you will allow it, I mean under suspension, Senator Sanborn will explain the bill.

Sen. DOWNING: Inquiry, Mr. President, do we have the explanation from Senator Sanborn before we vote on the bill?

Sen. SANBORN: Mr. President, House Bill 262 amends in 1971 actual budget by providing that the appropriation of \$320,000 for the purchase and renovation of the so-called N. H. Savings Bank Building 97 No. Main St., in Concord be revised to allow for the purchase and renovation of office space and parking area in the city of Concord, N. H. This bill has been passed by the House and was recently the subject of a hearing before the Senate Finance Committee. The bill was originally drafted to provide for the purchase of the Concord Clinic and parking area on Pillsbury Street in Concord and at the request of Mr. Flanders, we amended it to eliminate the name of the particular building that he felt that this would represent a possible encumbrance on the negotiation. Senate Finance Committee indicated that they favored the acquisition of the subject prop-

erty and advised us that they would hold up the final passage of the bill pending the acceptance by the Concord Clinic, Inc. of an order to purchase the subject property from the state of New Hampshire. This past time, at a meeting at a Governor's Council on March 13, 1973 the following resolution was approved that all that the Governor's Council authorized a controller to execute the purchase and sales agreement with the Concord Clinic, Inc. for the purchase by the State of New Hampshire for the Concord Building and parking lot on Pillsbury St., Concord, N. H. Such agreements would provide for a purchase price not to exceed the incorporated amount and contingent on final approval for the General Court and the Governor of legislation presently pending which will allow the utilization of the existing Capital Budget appropriation for this purpose. Mr. Flanders made the negotiations with the Concord Clinic, Inc. and right now, as a firm commitment of \$195,000 provided this is consummated by the first of April. If we go beyond the first of April, it then becomes \$200,000.00 because they will then become responsible for the taxes. So, this is the reason we want this bill to get through now. We would save N. H. quite a bit of money over the original bid of \$320,000.00 that was appropriated.

Sen. TROWBRIDGE: May I speak on this motion again. I would like to add one thing to Sen. Sanborn's. The problem we have on space in parking I think you're all aware of. Partially aware of. Well we have a specific problem and that is the tax commission is now in the old telephone building over here up by City Hall and the lease runs out there April 15. There is a way of extending the lease until July 1, but at point there is no space and nothing that can be rented that we can find. The Concord Clinic property is available so that the reason for this thing being rushed through is the fact that one, we need space for the Tax Commission and two, the Concord Clinic is available. I myself would not pick the Concord Clinic as the ideal place for the Tax Commission, I don't think anyone would. Its only real virtue is the fact that it has 56 parking spaces and 56 parking spaces are hard to come by in Concord, N.H. But, I don't see how we can go too far wrong at the \$195,000.00 level because we had authorized the purchase of the Savings Bank Building on the corner here with the \$340,000.00 of the authorization of '71, we did not get that building because the negotiations broke down after we had left and then the legisla-

ture had adjourned. So, the legislature has made a commitment to getting more space and actually we are not renting the bank building now and we need more space just to get the Tax Commission and find a home.

Adopted.

HB 262

changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord. Ought to pass. Sen. Sanborn for the Committee.

Sen. PORTER: Senator, did Sen. Sanborn and you concur that the reason for exercising this was to make a purchase by April 1 to avoid some certain taxes.

Sen. TROWBRIDGE: The agreement, the purchase and sales agreement that has been by the controller says that if we purchase, that if we get the papers all done before April 1, the price is \$195,000, after April 1, it is \$200,000.00 The difference of \$5,000.00 being of course April 1 is the taxation date on the building so that the doctors who own the Clinic are saying "take it either way, fellows, you could save us \$5,000 by doing that."

Sen. PORTER: Are the taxes that are being eliminated, are they being now redistributed among Concord residents?

Sen. TROWBRIDGE: Now I see where maybe we ought to have a residency rule Sen. Downing. No. I think it's just a matter of at that point for we're operating as the State of New Hampshire and not running the city of Concord and the prudent thing would be to save the \$5,000.00.

Sen. SPANOS: My question was the same question asked by Sen. Porter, that the burden is falling on the taxpayers of Concord to \$5,000.00, right?

Sen. TROWBRIDGE: I agree. If you choose to delay the bill until April 1, have the State pay an extra \$5,000.00, that's a point you can make. The comptroller has asked to move with all due speed. Also, because we need the space pretty soon.

Sen. FERDINANDO: Sen. Trowbridge, why is it possible to prorate taxes from the date of purchase?

Sen. TROWBRIDGE: From the date of purchase backwards I think they have already paid taxes for the last year, therefore, they don't hold anything for the next year as I understand it until April 1, that's the technical day and therefore, if they don't own it on April 1, someone correct me if I'm wrong, I'm sure Sen. Jacobson would, that they just don't owe the taxes so that there isn't any way of prorating except that you don't owe as far as I can see.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:01

SB 40

relative to the distribution of district court fees. Ought to pass. Sen. S. Smith for the Committee.

Sen. Trowbridge moved that this bill, SB 40 be recommended to the committee on Judiciary.

Sen. TROWBRIDGE: Sen. Jacobson did catch an error on Thursday and there is a possibility in that bill of the situation he evisions that you could have the town paying the judges and not being reimbursed for the expense therefore, that not being my intention in any way I will hope to go back to Judiciary and find another solution. I'm sure we can find one.

Sen. SPANOS: Senator Trowbridge, is it possible for your committee to consider the possibility of changing the ratio formula from cases prosecuted or over total cases heard to cases prosecuted, revenues received over total revenues received.

Sen. TROWBRIDGE: It's possible. I'd just as soon debate that issue now and get the feeling so that we can come back with the right idea. The reason that the bill now says that it's just based on the total arrests for the prosecutions that are brought in by an officer is that you, the officer doesn't know when he makes the arrest whether he's got \$100 case or a \$10 case and that we don't particularly want him . . . the Administration of Justice shouldn't be run on the basis on whether one town brought in \$100.00 fines and the other one, officer who was out working just as hard happened to bring in \$10 cases and it costs him just as much to go into the Court to testify and prosecute the case for \$10 as well as it does for \$100. So that's the reason why, Senator Spanos, and I think that it still carries weight. If it

doesn't, I'll be happy to respond to the Senate, but that's why we did.

Motion adopted.

ANNOUNCEMENTS

The CHAIR: The Chair would like to announce the appointment of David Hammond Bradley as the President's Representative at the Y.M.C.A. Youth in Government Conference.

Adopted.

SENATOR BRADLEY UNDER RULE 46

Mr. President, I rise today under rule 46 to speak on an urgent issue — some would say a crisis — which faces our legislature. I speak of the erosion and drift of power from the legislative branch to the executive branch.

Our constitution provides that the 3 branches of government — legislative, executive, and judicial — shall be equal. But our constitution goes on to place the legislature above the other branches in several fundamental ways. For example, a two-thirds majority of the legislature can pass laws and approve or disapprove of expenditures over the objection of the governor. Thus, the legislature on its own initiative has the power to reshape, add to, or subtract from the other branches. Further, the legislature has the power to impeach and remove any officer of the other two branches of government. And the legislature is the only branch that can propose amendments to the constitution directly to the people.

Yet despite this equal — and more than equal status which our constitution mandates, I have grave concern that we, as a legislative body, are failing to stake out what is rightfully ours.

It must be self-evident that the legislature will enjoy its rightful place in the scheme of things only if it is vigilant in asserting its rightful place and in insisting that the other branches of government adhere to the laws of the state.

If the legislature remains silent and passive when another branch ignores the law or refuses to perform its lawful duties, we violate our duty as elected representatives of the people and promote this erosion of our power.

Mr. President, there is a recent glaring example of the

executive branch ignoring a duly enacted statute while the legislative branch seemingly turns its back.

I refer specifically to the Governor's instructing his agent, Mr. Goode, to examine the Business Profits tax files of various individuals and corporations without prior approval of the council and without any justification for his actions except to claim that he believed his actions to be in the best interest of the state.

Two of the files which were searched were corporations from my district, the Dartmouth Printing Company and the Hitchcock Clinic. The Governor has said that these files were searched by mistake. But the Governor has not explained how such a mistake could be made. It has been reported that the Governor asked for the files on Dartmouth College and Mary Hitchcock Memorial Hospital, both also in my district, both non-profit institutions that do not file such returns. The question therefore is, if this is true, why was the Governor looking for their files. The suggestion that Dartmouth College or Mary Hitchcock Memorial Hospital had something to do with dog track racing has been rightfully met by laughs not only in Hanover but throughout the State.

It is perhaps a measure of the outrageousness of this action by the Governor, that the Loeb papers have day after day sought to divert attention from it to those who brought the Governor's wrong-doing to light. This Alice-in-Wonderland logic of the Loeb papers reminds me of a question we used to debate in school: If a tree falls to earth way out in the woods where no one can hear it, does it make a sound?

Well, Bill Loeb would have you believe not only that the falling tree does not make a sound but further that if no one saw the tree fall, it didn't really fall at all. Thus, if no one had reported the wrong-doing, there would have been no wrong-doing.

There are those who say that this is not a legislative matter; that the executive branch alone must keep its own house in order. Until now I have been persuaded by this thinking. But, Mr. President, I cannot in good conscience remain silent any longer. I urge this Senate and this legislature to join me in calling the executive to account. Further delay in a legislative

response can only be construed as our condoning this act and as our surrender of power to the executive branch.

PERSONAL PRIVILEGE

Sen. JACOBSON: Mr. President, as all know, I was deeply disappointed in not being selected President. However, I had determined to lay the matter aside and tend to the public business. I presumed all others had done the same. In fact, just last Wednesday, I had remarked to Sen. Green, that the present coalition had made most everyone a free person, and we both expressed satisfaction.

I was under the opinion that the whole event now lay quietly buried in the graveyard of politics, but to my surprise, last week, an eager gravedigger exhumed the remains for further exhibition and interpretation. In the Lebanon Valley News and the Granite State Free Press appeared an article entitled, "Making of the President New Hampshire Senate Style" by the Senator from the Fifth District. As I read it my mind could hardly believe the messages my eyes sent.

As one instance there is the insinuation that there exists two classes of Senators, one better than the other, in our Senate. Yet, I know no evidence which supports the thesis that because a man is 30 and a lawyer, he is a better Senator than a man who is 50 and a businessman. Such interpretations violate every canon of logic, history and reason.

Again, there is the more direct statement that committee chairmanships and leadership posts were assigned on the strict basis of ability. No leadership post went to a supporter of mine. Is the public to believe that there are eleven Senators who lack leadership capability? On committee chairmanships, I am sorely tempted to make some direct comparisons, but I shall refrain except to inquire if I am to believe that if an opposing Senator had wished my present chairmanship, he would have been denied. There is no evidence to support this.

Now I personally accept this type of political spoils, and one must accept the risk of failing to support the winning side. After all, I would have been generous to Sen. Spanos and his group if they had supported me. I don't know that I would have gone so far as to allow "Harry to run the show," as one Democratic Senator put it, but I do congratulate him on his very

clear understanding of the nature of political power. What I object to is the false piety that suggests that the arrangements were divined in some heavenly, sinless concert.

Again, the article speaks of the "11th Hour" entry of Sen. Nixon into the campaign. I know he withdrew three times, once in the press and twice in the Republican caucus. But as far as I know, he was in the campaign from May 12, 1972 and never really withdrew at any time.

Again the article makes much of Governor Thomson's involvement, a much overdrawn and twisted account in itself. Supposedly, he was involved on my account, but then one has to explain how Sen. Porter came back from a Florida meeting with the Governor to tell us that he was the Governor's choice for President. But more important, never once does it mention former Governor Peterson's nor his associates, several of whom have heavy financial stakes in who manages government in New Hampshire, very deep involvement, which I can fully document. Neither is any mention made of the involvement of members of the New Hampshire Bar, the judiciary and even the utilization of the lawyer-client relationship in the behalf of the political campaign for Senate President.

One distortion deserves special mention; the declaration that my opponents offered compromises and my supporters offered none. I know not one compromise which my opponents agreed to during the whole negotiation, except one on the last day in the last moments, and that one may have been a false one, from comments made to me later by Sen. Spanos. Curiously no mention whatsoever is made of this in the article.

Let us hear this fragment of the story in detail, for it is the final scuttling of seven Republicans by seven other Republicans. In the late afternoon of the first day of this session, Sens. Nixon, Spanos and myself were huddled in the Sergeant of Arms office. Sen. Trowbridge came in with a piece of paper on which he had written a Republican compromise. He stated then that this is what the Republicans who were with him wanted. I do not know whether or not his action was a ruse. I did ask him if that was what the others wanted, and he responded yes. He said he would get his group together, and I got mine. My group met in Room 314, and his, with the exception of Sen. Nixon, met in the hall near unto the newsroom. My group agreed to

the compromise, and I returned to meet with the other group. All, except the absent Sen. Nixon, agreed to the proposed compromise. Just then, Sen. Nixon joined the group and asked me to leave because he wanted to speak privately to his group. The next I knew, seven Republicans forsook the agreed upon compromise and joined with Sen. Spanos and his group, leaving seven other Republicans abandoned. I ask again, why was this part of the account left out?

There are more parts to tell and more parts to correct. Possibly it is well that the public knows both sides of the story. With this narration, the remains can possibly be decently reburied with sufficient pomp and ceremony. Let us hope that no new gravedigger decides to dig again, for when a grave is once open, one can never tell what one can find.

COMMUNICATIONS

March 7, 1973

The Honorable David L. Nixon
President of the Senate

Dear Dave:

Thank you for your Concurrent Resolution concerning veterans' benefits. I agree veterans should not be penalized as a result of the recent increase in Social Security benefits, and I have introduced legislation to correct this oversight, a copy of which is enclosed.

I appreciate your taking the time to let me have your views on this matter. Whenever I can be of assistance to you, please call on me.

Cordially
Louis C. Wyman
Member of Congress

March 12, 1973

The Honorable David L. Nixon
President of the Senate

Dear Dave:

Thank you very kindly for yours of the 9th and I certain-

ly appreciated your kind invitation to be present and I certainly enjoyed the session very much.

It brought back a lot of pleasant recollections.

My term in the 1949 Senate as majority floor leader presented a memorable epoch of my life and I shall always cherish it and remember it.

Again thanking you and with best wishes, I remain

Sincerely yours,
Arthur J. Reinhart

March 13, 1973

The Honorable David L. Nixon
President of the Senate

Dear Senator Nixon,

It was really an educational experience to attend a full meeting of the New Hampshire Senate. As an interested citizen committed to working in a special way with all the people concerned with the public good, I wish to express my appreciation for the service you have given Nashua residents.

Please extend my word of thanks to all the Senators who went out of their way to help us understand the kind of work they are doing for us.

May your dedication to your fellow men bring to you and your colleagues God's blessings of peace and joy.

Sincerely,
Gloria A. Lemieux, P.M.
President

8 Conant Road
Hanover, N. H.
March 10, 1973

Mr. Carmen C. Chimento
40 Cox Street
Nashua, N. H.

Dear Mr. Chimento,

As a one-time State Senator; in fact, the Majority Leader

during the 1963-64 session, I read with understandable interest your comment published in the March 7 UNION regarding "Senate Perambulations".

Your position is very well taken and those of use who have "slaved" for the grand old state of New Hampshire appreciate support from such citizens as you.

From what I can gather, the present operations are no "road show", as such, but they do represent a sincere effort on the part of the Senate to bring Government to the people — and that's as it should be, in my book!

So, thanks again, Mr. Chimento, for your timely comments. I don't believe I know you but I do respect your position.

Sincerely,
Robert S. Monahan

RSM:rsm

cc: Senators Nixon and Bradley

Sen. FOLEY: I moved that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that the bills be read by title only and that when we adjourn we adjourn until tomorrow at 1:00 p.m. and for hockey fans we adjourn in honor of Bobby Orr whose birthday is today and for Nixon fans in honor of David L. Nixon whose birthday was yesterday and otherwise we simply adjourn.

Adopted.

LATE SESSION

Third reading and final passage

SB 58, clarifying certain definitions under the charitable trust statutes.

SB 50, authorizing motions for summary judgment in the district court.

HB 204, establishing a New Hampshire fruit marketing committee.

HB 262, changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the pur-

chase and renovation of office space and parking area in the city of Concord.

Adopted.

Sens. Jacobson and Bradley moved the Senate adjourn at 3:45 p.m.

Wednesday, 21Mar73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Thank You, God, for the people we work with.

For their greetings and their goodbyes when our work is over. For the feeling of comradeship we have.

Different though our natures, we meet for a common purpose, share problems and pursue common goals.

We are definitely not "one big happy family" yet a family nevertheless.

We try to help each other and are concerned with each other. There is an affection between us that only people who work together can understand.

Bless and keep you always. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mr. Ronald Roy and Tom Archer, Manchester West High School.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 96, to provide for the citizen's right to sue to protect against damage to the environment. (Porter of Dist. 12 — To Judiciary.)

SB 97, relative to the discipline of students on school buses. (Green of Dist. 6 — To Education.)

SB 98, making the registered owner of a motor vehicle responsible for school bus overtaking and passing violations. (Green of Dist. 6 — To Judiciary.)

SB 99, relative to the library development program. (Jacobson of Dist. 7 — To Executive Departments, Municipal and County Governments.)

SB 100, providing for cost of living increases for retirement allowances paid to teacher members of group I and all members of group II under the New Hampshire retirement system and all members of the New Hampshire firemen's retirement system, the New Hampshire Policemen's retirement system and the New Hampshire teacher's retirement system and making appropriations therefor. (Foley of Dist. 24; Smith of Dist. 3 — To Education.)

SB 101, establishing a public defender system for Merrimack, Cheshire and Rockingham counties. (Jacobson of Dist. 7 — To Judiciary.)

SB 102, to delete reference to federal funds being applied to reimburse the state. (Jacobson of Dist. 7 — To Finance.)

SB 103, relative to a statutory collection fee for all goods and services sold on open credit. (Sanborn of Dist. 17 — To Judiciary.)

SB 104, providing for the acquisition of Gile Forest and making an appropriation therefor. (Jacobson of Dist. 7; Spanos of Dist. 8 — To Resources and Environmental Control.)

SJR 7, providing a supplemental appropriation for the New Hampshire historical commission. (Smith of Dist. 15 — To Finance.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 431, permitting the election of members to the board of adjustment. Referred to Executive Departments.

HB 292, providing for the protection at the surface of per-

sons diving in waters with the aid of mechanical apparatus. Referred to Recreation and Development.

HB 325, relative to games of beano. Referred to Judiciary.

HB 434, relative to referendum voting by absentee ballot in biennial elections. Referred to Executive Departments.

Introduction of Newell Paire, Commissioner of Education to speak on the function of his department.

Mr. NEWELL PAIRE: Mr. President and Members of the Senate, it is a distinct pleasure to me to be here this afternoon and discuss some areas that were proposed to me by a letter that I received from Senator Nixon the other day. Namely, he wanted me to review some of the statutory responsibilities and the authority of the Department of Education, some recent developments in programs of our departments and now reflect those as we look at the organization of the Department of Education, some personnel situations in terms of numbers of state employees in the department and specific responsibilities and these will come out in two parts as I allude to our organization and any other matter in your budgetary and/or financial situation during the present biennium as compared to the previous biennium and any need regarding the future and any other matter of problems that you think would be beneficial to you and your department on the one hand and the State Senate on the other.

I'd like to start out by setting the stage a little bit as to why the Department of Education, why the State Board of Education in the first instance. And I'll take just a moment as to bring them all back into history. Prior to 1919, in fact in the late 1800's there was no system of public education in the State of N. H. There was a very loose organization, there were 10 commissioners of Education who were responsible for a superintendent of public instruction who in turn was directly responsible to the legislature. And their primary role in that day and age was merely regardless of statistics to feed it into the legislature as the legislature desires.

In the late 1800's there were 2,346 school boards, 2,346 funding agencies and I picked out one of the documents we have in the office and some of these places will reflect some of the towns in which you live to show you what the situation was then

and how a system really was lacking. For instance any of you from Keene, you had eleven school districts and eleven Prudential Committees of Education as they were known in those days, thirty-one schools and the youngsters went on an average of 32 weeks a year to school. Marborough had eight school districts, eight school boards and 11 schools and they went on average of 20 weeks per year. Marlow had eight school districts, eight school boards, eight funding agencies with ten schools and the youngsters there went fifteen weeks per year. Those of you who live in Westmoreland, they had 12 school districts, 12 prudential committees 12 schools and the youngsters went 23 weeks per year. If any of you are living down in the Southeastern part of the State, if you look at the town of Chester, it had 10 school boards, 10 school districts, 10 schools and the youngsters there went 17 weeks a year to school. If you lived in Nottingham, there they had 10 school boards, 12 schools and the youngsters went 18 weeks per year. If you looked at the State as a whole, the period of time that youngsters attended school ranged anywhere from seven weeks per year to the highest of 35 weeks per year.

Just prior to 1919 when they were drafting young men into World War I there was a very very high illiteracy rate that seemed to surface. The then Governor Bartlett was concerned about this. In the summer of 1918 he appointed a committee to bring into the legislature a design for public education in the State of N. H. And he was attributing and he did attribute this high illiteracy rate to the disparity in terms of education opportunity for youngsters in the State, the disparity in terms of funding possibilities and they felt that now is the time to breathe into public education a system.

In April of 1919 the legislature passed the so-called great laws of education at the period of time and that provided, across the State 180 days for every school youngster, 36 weeks, mandated certified teachers, mandated a state board of education approved in a certain manner and I'll talk on that in a moment, a professional leader in terms of the commissioner of Education, a Deputy Commissioner specified what these people shall be in terms of their qualifications and that we've been living with that with many modifications down through the years, 53 years to be exact.

Our Public School System is young, it's only 53 years of

age. Some of you people sitting in here, I know it's true of me anyway were going to school at a point in time when this System wasn't devised. So it's that young. The Legislature said that they wanted a State Board of Education that was not competitive so in their statutes of 1919 they indicated that Governor and Council would appoint a State Board of Education of seven members, the Governor will annually appoint the Chairman. They shall serve for five years, none of them shall be professional educators. It doesn't say anything about geographical representation although it does indicate at least the history in terms of State Board of Education membership has been relatively geographically located.

At the present time, for your information, starting at the North, we have Don Borchers from Berlin who represents that area, he's an engineer, we move over the West, we have Bob Canton in Whitefield who was an oil dealer, now retired, if we go farther South Albert Jones in Enfield is a salesman for Humphries Cafeteria Supply and a long time member on boards in that area you can go farther South to Keene Ed Sweeney who is an automobile dealer and has been a long time board member of the Keene area, you swing out to the center of the State, we have Dr. Gerry Cullerot who is a dentist living in Manchester and farther over to the East, we have Mrs. Jean Tufts who is a housewife formally engaged in special education work in the State and out of Exeter and Mr. Bittenbender, our new chairman of the Board comes from Deering, he's been a former businessman associated presently, administratively, with Nathaniel Hawthorne College. That makes up the seven members of the Board. They appointed a commissioner of Education, a Commissioner Education nominates a deputy Commissioner of Education which is approved by the State Board.

Of the large agencies in the state, the Commissioner of Education is the only non-political appointee. Most of the others are either appointed by the legislative group or by Governor and Council Action. That is not the case here and I think that the intent has carried on through the years that the Commissioner of Education shall be a non-political character. The Commissioner's Deputy serves at the will of the board. We have no contracts, we have no tenure for unclassified workers, and if tomorrow the board chose to have another Commissioner of Education it would be very easy to do it. And the same thing would

be true of a Deputy Commissioner. There's no such thing as tenure.

The State Department of Education is the administrative arm of the Board of Education, they carry on the work of education in the State and fulfill the responsibilities and the policies that are established by the State Board in much the same manner as your administrative units do at the local level where the local board is the policy making board and dictates the quality, the direction of education in your local supervisory units. Now the question was raised about the legal powers of the State Board of Education. I'm going to read two RSAs that are very short. One outlines the organization which is somewhat a repeat of some of the things I've been saying, simply that the Department of Education consisting of a State Board of Education of seven members, a Commissioner of Education and such other officials and employees as may be authorized. The seven members of the Board of Education shall serve without pay and shall not be technical educators, nor be presently engaged in school work. Each member shall hold office until a successor is appointed and qualified as provided in the following section.

That they will be paid expenses incurred in the performance of their duty out of the money appropriated for the purpose of this title. Again the Legislature tripled the salary of the Commissioner of Education and the Deputy Commissioner.

RECESS

By the powers of the State Board, David has admonished me that it's time to move right along so I'll do that. The State Board shall have the same powers and mandatory supervision directed over all Public Schools in the State as the Directors of a Business Corporation have over its business except as otherwise limited by law. It may make all rules and regulations necessary for the management of its own business and for the conduct of his officers and employees and agents and to secure the Administration of Public Schools and the Administration of the work of Americanism in teaching English to non-English speaking adults and furnishing instruction in his privileges, duties and responsibilities of citizenship which is hereby declared to be an essential part of Public School Educational ones. And it shall be the duty of the School Board and Employees of School Districts to comply with the rules and regulation of the State

Board. That the broad powers of the State Board has laid on to it by the State Legislature.

Indirectly or not, the particular statute was last amended in 1921. And apparently it's like the constitution of the United States — there are certain good things there as seems to be handed on down. I'm going to move quickly now, to the bill I'd like to talk about supervising Unions and I'd like to just get on that for a second. The Supervisory Union was established in 1902 at that point in time there was 65 and the object was to tie in a relatively wealthy large community with small communities so there would be enough financial power to offer supervision from a professional to carry on the work of Education in the State of New Hampshire. Over the years the numbers of Supervisory Unions have fluctuated and this is one area where the State Board of Education at this point in time can be very arbitrary in establishing Supervisory Unions as long as they do not exceed fifty as the statutes are presently written. They can increase the number, they can eliminate X number and at the present time we have 42 Supervisory Unions. None of them have ever been cast in concrete.

They change to meet the changing conditions of locale and according to the conditions of the town. However it has been the property of the State Board to make these kinds of adjustments after study. We've had some concerns where it's coming into the legislative group but it's not the intent, that does not mean that it is not possible to do that sort of thing, but I think the intent as we look was that any changes in the Supervisory Union structure should be made after there has been a very thorough study and consideration of the implications that grouping have for the total State of N.H. and not just a single area. You've heard me say this story if you've been in certain kinds of hearings as these bills have cropped up. But a Supervisory Union Office has a board that meets at least twice a year. One to establish a budget and secondly to appoint the personnel and fix the salaries. They can consist of these kinds of people: Superintendents, Assistants, Teacher Consultants, Business Administrators and we support them with a small piece of money and to be short I won't tell you what that is at this point of time, but it's a simple thing, but we do pay a piece of their salary. They are employees of the State Board of Education.

Their contract is not with the local school district. Their

contract is with the State Board of Education. Despite the fact that the local areas provide a greater part of their salary, and this is a bone of contention on the local level and understandably. Another part that creates a problem is that the Supervisory Union Boards, prior to Jan. 1, fixes the budget and determines at that point in time what the salary shall be, but they have a hearing, and people can make their inquiries at that hearing. Following that hearing the budget is finalized and goes to School District meeting. And it works a little bit like County Government, once the budget is formed it becomes an obligation of the districts involved in the supervisory unit to pay that piece of money.

Now this is where we get some objections in the local school district because a single district has no control over the budget, they have to do it through representation and some of them aren't willing in this day an age to accept that, they accept it County Government wise with a lot of flack, and I guess they accept it in terms of establishing a budget for the State of N.H. or for its services without having every single district voted on. They do it through Representative Government. This is a bone of contention. Some of our Supervisory Units are large and having one more high school, one more elementary school and pupils. Some of our districts have no schools at all. They have a school board, we have 9. They have a School Board, they have their District Meeting they appropriate money primarily for tuition and transportation purposes.

Now this basically is the administrative structure of the Public Education until it gets down to the Department of Education. Here is where the work is being done and to attempt to address myself to all of the programs that we have in the Department of Education are 53 in number, I don't think we really can get into that. I'm not going to look, we'll go below this business. I'll mention this here, Nursing registration, this is an area that most people don't feel falls into the responsibility of the Department of Education. It has its own nursing board to be sure, but they are responsible to the Department of Education. Now this particular unit is responsible for certifying and registering some 11,000 nurses in the State of New Hampshire every two years. It gets its funding through these registration fees, it's not a draw on the general fund of the State of New Hampshire.

Although this year the budget process is a little different.

They're construing it to be — I mean the budget process told us to construe it to be General Fund Money. But actually the fund for this operation comes from fees to operate it, and as the expenses of operation comes up, the fees to nurses who want to be registered goes up. In fact it was increased only within the last couple of years to do this sort of thing. In addition to that they supervise the instructional program for seven or eight hospitals in the State along with those nursing programs that are in our vocational colleges and technical institutes. So they had a curriculum function, and administrative supervisory function and a registration and certification function.

Then we have the one, two, three, four, five, six divisions in the department of education. Administration is the one that deals with the school lunch programs, all of the statistics in the Department of Education, the certification of teachers and so forth. Business management is the office over in our department that handles about 25 or 30 million dollars a year in terms of payroll and expenses of the department. Division of Instruction had to do with reading, writing and arithmetic and multiple Federal programs that feed through the elementary secondary education. Vocational rehabilitation has to do with getting people who are handicapped and not on payrolls — we provide, we take care of the handicapped and it may be a kidney dialysis, it may be a kidney transplant, it may be a heart transplant, it may be an arm device, it may be a leg device, whatever. We do this if it's found out through an advisory board, that these kinds of people can be educated and put back into the main stream of employment.

This is a division that I think that a lot of people don't realize that is really part of the educational process, but we bring in, through the disability determination unit something like 8 million dollars a year into the State of New Hampshire of our surveying people who are disabled and on Social Security and we process them their data goes out to Baltimore they are screened out there then checks start flowing in to the individual in the State of New Hampshire. We bring in about 8 million dollars of our dollars too, so that there are a number of other programs that it takes care of but the essence of the division is to get people who are handicapped and incapable of working trained to the point where they can work.

As you know in the matter of two or three years ago, the

Division of the Blind was transferred out of Health and Welfare into the Department of Education so we run the blind workshop here in Manchester, we service 140 blind people, we drive three trucks in different locations in the State, dividing the material the blind people can earn anywhere from three to eight dollars a day in their home or location or anywhere from four to fourteen dollars a day in the workshop in Manchester. Plus at the present time we have three mobile units working in the Manchester, Nashua Claremont areas that deals with blind youngsters. We take blind youngsters that hopefully we can get them into the mainstream of learning without institutionalizing them at the high cost of anywhere from 7 to 10 thousand dollars per pupil. We can do this in the neighborhood of about two to three thousand dollars per pupil. We have 130 of those youngsters being served by virtue of the vehicles and other programs in state, we have only five youngsters at the present time who are institutionalized in institutions like Perkins School for the Blind.

The vocational division has to do with vocational educational programs in the elementary and secondary school level. You people know about that, you've got a bill coming through, hopefully it will be supported by both Houses, to implement what we call the sentence concept and we don't have time to go into that this afternoon but we have literature on it and I would hope that some questions would be raised at a later point in time.

Our post-secondary educational venture in terms of program and I'm sure if any of you know about, that is administrating our six vocational educational colleges and the technical institute in Concord, and I would simply say that we have about 1700 day students and about 3,000 evening students participating in that. It looks as though the close of the year we will probably have pretty close to about 10,000 registrations. Now, this doesn't mean 10,000 different people. 10,000 registrations in the course of the year taking courses that we offer, courses the University System offers courses that banks, insurance agencies and a lot of other people offer in our institutes. Well, that's quickly some of the programs. Some statement was made, well how many people do you have in the Department of Education. Well, we've grown since 1962.

The biggest growth has been by virtue of the new institutes

and policies coming into the scene for which we are responsible. In 1962 we had 117 people in the department of Education. In 1973 we have 578. In 1962 we had 70 people and were 100% State supported and in 1973 we have 335 that are 100% State supported. Now the bulk of those are in the Vocational Technical Institutes and colleges. Interestingly enough in 1962, and I want to talk just a moment about this Mr. President if I may, but in 1962 we had 6 positions there were 100% federally subsidized. Today we have 167 positions that are 100% subsidized and we have all kinds of funds. We have 80-20's we have 90-10's we have 75-25's we have 66-33's, any kind of a foundation you can dream up. We have that and when I say 80-20 that means 80% federal dollars and 20 per cent State dollars and 90-10 is the same relationship etc.

We have not as it would appear by the statistics that we are building a lot of bureaucracy but again I would repeat that if we are going to have vocational technical institutes and colleges and keep in tune with the times we are going to have staff to take care of changing programs and additional programs, etc. The additional federal programs that came on the scene stimulated by funding in 1965 has built in a lot of programs and with it administrative money to conduct them. This is a little nebulous at this point in time but we are getting to that.

Now the question was raised, where were we and where are we, and where does it look where we are going, in terms of funding. This shows (showing diagram) that in 1970-71 that we had an appropriation, this says expenditure but the appropriations are pretty closely related to it, of 12 million dollars of state money and this is 12 million dollars of State money that flowed through to aid to local school districts in one way or another. The rest of the piece of pie made up of 15.2 million dollars of State money with 9 9/10's million dollars of federal money that made a total appropriation in the neighborhood of some 25 million dollars.

I think the important thing here is in '70, '71 we were doing a reasonable, not a good job, but a reasonable job in terms of assisting public education at the local district level. In 71-72 we had the big cut, 24% cut, we cut back our budget from 25 million dollars, or the legislature did, to 21 million dollars. A four million dollars cut. We went from 12 million dollars in

State aid to local school districts to 6.7 million to local school districts.

The greater portion to Voc/Tec colleges were increasing in number, that increased from 2.0 to 2.5, a half million dollars, but we came up with about 4 million dollars less than we did in 70-71 and 72-73 our total budget was at the 23 million dollar level. And in 70-71 we were at 21. The State appropriation in 73 for aid to local school districts was 8 million dollars, last year in 70-71 we were feeding to the local school districts 12 million dollars. Then our total budget was 23 million dollars. So we are asking, or we did ask, the legislature this year, consistent with maintenance budget philosophy. We were asking 30 million dollars for this year and about 31 million dollars for the second year of the biennium and the Governor's budget reflects a cut of about 1.2 million dollars for the biennium, \$600,000.00 per year.

Now on the surface that is not bad, but on the other hand he can't be faulted for this, and his advisors can't either I guess, because there is an element of time that had to be built in to really become knowledgeable about all the budgets in the program in the Department of Education. Now as I indicated we have 53 different programs at the present time and I would again want to reflect on this. In 70-71 we had 50.2 million dollars in state money. What is recommended in 73-74 is 15.5 million dollars. So we are getting an increase of \$300,000.00 of state money over a four year period. Now when we take a look at inflation and all of that that has been happening in a four year period my position is that this is not an unusual amount of money to carry on the work of the Department of Education. We had 9 million dollars in federal money and it is estimated that in 74 we will have 13 million and also in 75 we will have 15 million. We have never hit that point in terms of federal dollars and there is a strong question as to whether we really will. I think that there are many things that we could go into in terms of the budget but I think I will stop right here and have you folks ask some questions.

Sen. S. SMITH: How is it that you anticipate in this chart 13 million dollars in federal funding is this coming — or first year of the biennium — with the impoundment of federal funds what is your anticipated loss, if you have gotten to any figure on this, and secondly, to keep the programs going, if there is this

impoundment of federal funds, how many additional state dollars do you anticipate needing for the 16 million?

Comm. PAIRE: Very good. The programs that are known to be cut out of the President's budget at this point in time, and not even finding its way at this point in time in any educational revenue sharing. We have already been informed that about 42 people are going to be without jobs come July 1 of this year. The amount of money that is involved is 2.6 million dollars. The administrative department to handle these programs, and there are about four or five of them, amount to \$502,000.00 dollars. It looks as though, and I did have a meeting with the Governor and I felt that he was very responsive to this, and it has been so noted in releases that have been made, that it would take about \$450,000.00 of state money to keep these people on the job and servicing local school districts. Now there are only one of these kinds of people who will be wiped out. Our math consultant, English consultant, science consultant, foreign language consultant, all of these people have been supported by federal dollars. We have nobody working in those areas in the department of education and there are 42 of them. Not 42 consultants but secretarial and support staff that feeds into them.

And then of course, the big thing is that 2.1 million dollars could considerably be lost to local school districts and the biggest piece of that is in impacted to public body 74 for what they call B students. Portsmouth would stand to lose about \$420,000.00, Manchester, Nashua, and Dover over a hundred thousand dollars each. Then there is a whole array of other communities who have people living in their communities but are involved in the industries and businesses with federal contracts. Now those are called B units. If you are living on the base and those youngsters are attending school those are A youngsters and they are built into the revenue sharing concept. So does this answer your question.

Sen. LAMONTAGNE: Could you tell me if you have anything planned for the Youth Corps?

Comm. PAIRE: The answer to that is no, not at this point in time.

Sen. LAMONTAGNE: Does that mean that these federal programs are not going to be turned over to your department as far as the Youth Corps goes?

Comm. PAIRE: Not as far as I know.

Sen. PORTER: Mr. Paire, I understand that the Supreme Court overturned the Federal Court ruling on the Rodriguez case in Texas today. Would you care to comment on that and on the effect on New Hampshire and so forth?

Comm. PAIRE: I haven't read it and I have had three calls from the radio stations and newspapers and I have not commented to them on this because I really haven't read it and I think it would be presumptuous of me at this time to do so. I understand that the chairman of the board did comment and it does have some implications for the State of New Hampshire like it does every state I am sure, but I am not in a position to say what at this time.

Sen. PRESTON: I noted that you visited the Exeter area last week and I was wondering, that being designated as an area of vocational high school, what the prospects are of such a high school in the near future being a reality.

Comm. PAIRE: It is not designated Senator at this point as being one. I can't answer you in terms as what the future holds because right at this point in time we have 20 concepts and only about 13 of them have been designated. Now in some instances, we have a satellite area of vocational schools. Milford is a satellite to Nashua and that means that they have had some on-going programs there that could offer that we need not see duplicated in the Nashua area. Now Exeter could well be a satellite. I question very much if with the proximity of Portsmouth and Dover that we would have Exeter as being the center at this point and Salem down at the other end that we would designate that as a center.

Sen. JACOBSON: I have two questions. The first is the Task Force report recommended that the supervisory unions be diminished to five, I believe. Since that report came out I haven't heard a peep. What is the thinking of the Department of Education on that recommendation?

Comm. PAIRE: The department, let's back off and put it the other way around. The State Board of Education's policy has been consistent with the interim commission report and consistent with this report to a degree in terms of looking at reducing the number of supervisory unions in the State. Now

we have made some innovations to certain districts to enlarge them, and when you enlarge them you reduce them and the people at the local level have been rather adamant about that. And again I will go back and say that the State Board could be very arbitrary. But they haven't been arbitrary and there is a strong reluctance in this point in time for school districts and supervisory unions in the State to go that route.

There were three other recommendations too. One that we have only 49 school districts in the State and presently we have 168. If you reduce the number of school districts you would have to do it by legislative action. It isn't anything the department does or the State Board does because at one point in time they reduced 2346 districts to 364 and the legislature did it in one fell swoop. We haven't moved fast on that because the sense of feeling we get from local districts in a negative fashion. Of course another concept was to have 17 regionals There was 5 in 49 school districts and then there were 17 regional school concepts which coincided with the then 17 regional planning areas which we have in the State of New Hampshire which now as I understand it has been reduced to 6.

Sen. JACOBSON: To follow up the Rodriquez case I did a study that New Hampshire in terms of disparity among districts with respect to ability to pay is one of the better states in the union, is that actually the case?

Well we are 4 to one at the largest stretch and it runs up to 40 to one according to this report.

Comm. PAIRE: Well I don't know what they are basing it on because I can give you an illustration in one of our towns it takes \$35.00 per thousand of equalized evaluation to buy an \$800.00 elementary education and you move across the state 75 miles and its costs \$2.87 per thousand to buy a thousand dollar elementary education. I would say that that disparity is more than four to one. And I am talking about Stark as compared to Waterville Valley.

Sen. DOWNING: Commissioner, relative to supervisory unions. It seems that their particular problem in the Southeast corner of the State where the growth is so rapid are those who feel that the department hasn't been responsive enough in this area. While they have the authority to make the adjustments that are required that they appear almost insensitive to the

whole matter until, in fact, something is created legislatively and this prods them into action and as the Town Study Committee that is working on supervisory unions seem to be appointed only after a flood of legislation is introduced into legislative services for drafting so that again, the department or the state board is rather reacting rather than acting. Could you respond to that type of thing?

Comm. PAIRE: You have a lot of *seems* in there Senator. In the first instance we have been working with that area down there in the southeastern part of the state many, many, nights and weeks and we have made some suggestions and we have made some changes, but if you don't make all of the changes that everybody wants in a certain period of time you aren't doing anything. And this is part of the problem that happened down there. Some of the legislation stimulated in those areas where we reduced the supervisory unions from five times to three times and really it isn't for educational purposes and I have told people that and I am going to be very frank about it. The changes are not really initiated by the people.

They are either initiated by a person on the budget committee or board of selectmen, and you can dispute me on this, or by somebody who is distressed because they can't go to a school district meeting and determine what their share of the supervisory union is. And it distresses these same people that they can't do the same in terms of conduct. They can't go in and vote that piece of money. This is part of the thing. Now you say it seems as though this committee came in after a flood of legislation. This really wasn't true because the only piece of legislation we knew of back in August when the concept of appointing this Task Force to look at supervisory unions was only one. And that had not really been put in the form of a bill as far as my knowledge. We could well wind up if we go this route, wind up with 100 supervisory unions now if that is the way the State of New Hampshire wants to go o.k. but that's not the trend in New Hampshire.

The trend in N. H. in terms of fire service, water pollution, police forces is to regionalize and our position up to this point in time there are areas that can handle themselves and handle themselves well on an individual basis but there are other areas who think they can do it up to this point in time, and they may be able to do it if they really want to put in the dollars. Now we

hear these people saying that they are not doing it with a dollar sign in mind. But if you talked with those people six months ago that was not same story. I'm not saying that it seems to be the same story I am saying it was Not.

Sen. S. SMITH: To go on with the question from the supervisory union I think you indicated that the way these are established has been historically through the Department and Board of Education. The towns which have indicated a number of bills in to do this by legislation, how many of these towns have come in the first instance to the State Board of Education to request a change in the structure of the supervisory union.

Comm. PAIRE: Not a single one, and that includes Derry. In fact they came in last week for the first time. Not a single one has come to the State Board of Education and requested the State Board of Education to make a change in the supervisory structure. Now we have talked with the superintendents of these boards. We made some recommendations. We always say if you don't agree with these recommendations then you may appear before the state board in rebuttal. We have toyed with the idea only a few years ago of pulling together the Colebrook and Northumberland supervisory unions. They objected to it. We made the recommendation to the State Board that this be accomplished. the State Board took a vote on it. We got a lot of flack from the north country.

The State Board said maybe we ought to review it, so the State Board on two different occasions, went into the north country, to the people up there, and as a result of the advice and confidence they were given they rescinded their vote and we still have the two separate supervisory unions today. But these other districts have not gone the route and that is the position we have taken with them. I hope this is something you folks would look at very carefully when these things come before you.

Sen. SANBORN: A while ago there were headlines in the paper relative to the Chairman's comments on the certification of teachers. Would you care to comment on that?

Comm. PAIRE: Simply that the State Board took that action.

Sen. LAMONTAGNE: What effect will the dual enroll-

ment have with the Superior Court decision that has just been made?

Comm. PAIRE: We are going to continue our enrollment just the way we have been doing.

Sen. TROWBRIDGE: Lately, the House of Representatives has asked the Coordinator of Federal Funds for a report on the status of the "impoundment" of Federal funds intimating that this information is not going to be available from any other source. Such a statement implies a criticism of the Committees of Finance and Appropriations and it is on that vein that I speak on personal privilege.

First of all, it should be obvious that no one can make up a state budget without having a firm estimate of federal funds available. As soon as we started the session, the Legislative Budget Assistant's staff has been instructed to pull together all possible information relating to the Federal budget crisis. We are faced with a national budget problem — we all are hearing the rumbles of war between Congress and the President in impoundment, rescission and proposed budget cuts — and we all know that we will be faced with a most difficult estimating job which will have to be made by all legislators, not just the members of the Finance Committee.

My Committee would be interested, academically, in the opinion of the Coordinator of Federal Funds as to impoundment but frankly, we would never delegate that decision to anyone and will make our own estimate no matter what! On March 30, I will be at the National Legislative Leaders' Conference at the White House called to explain the "Impoundment" situation, but before then, probably next Tuesday, we will have a report which should give the Senate a good idea of how much of our budget is in jeopardy and a starting point for meaningful discussion of this problem.

Capital Budget

Another item which should interest the Senate concerns the Governor's Capital Budget message. In that message, Governor Thomson bemoans the fact that New Hampshire's indebtedness has risen to an authorized level of \$450 per person, a very high figure.

Having been involved in Capital Budget matters for the

past 4 years and having heard this kind of misleading statement from Rep. Joseph Eaton (who helped prepare the Capital Budget message), I want to correct the information so that the Senate at least will not be misled because we all know that figures can be used in various ways.

As of 1972, total indebtedness of the state which is issued in the form of bonds was 140 million; the total debt not issued but authorized was 180 million for a total authorized indebtedness of 320 million. So far, I have not told you anything which varies from Governor Thomson's own statement.

What was not stated but should be known is that most of this indebtedness is not a charge against the General Fund. Only \$56 million of this debt of 17.4% is truly carried by our General Fund revenues. Another 44 million is carried against the Higher Education Fund for the University and historically we have assumed that all of the repayment of principal and interest on this debt comes out of the Legislative appropriation for the University whereas, as we all know, the Legislative appropriation only constitutes 30-35% of the University's budget. But for purposes of discussion, there is value in acknowledging that the payment of these amounts would be relying on our General Fund revenues. Therefore, there is a total of 100 million out of 320 million which is a General Fund responsibility (or 31.25%). The remaining 220 million is supported as follows:

1. Highway Funds 41 million
2. Toll Roads and Sinking Funds 149 million
3. Self Amortizing buildings at the University 30 million

If a high per capita indebtedness were any index of financial insecurity, New Hampshire would have lost its Triple A rating years ago. The investment community, however, is much more subtle and rates each state on the financial resources available to its "full faith and credit." They the investment bankers understand that a state which has a budget of over \$200 millions is not in great peril when its total indebtedness is 320 million and the *annual* charge for principal and interest repayment against the General Fund ranges between 3 to 4 millions or about 3-4% of the budget. What householder would not like

to have his mortgage payments take only 3-4% out of every dollar.

Therefore, we should not feel that the state of New Hampshire is "shaky" in any way. In past years, we have insisted that each capital project be "planned" prior to final authorization. These planning funds have saved the state millions of dollars in buildings which when fully planned out, showed that they were not needed. A steady schedule of building and replacement is needed, not spasmodic efforts to cure a bad situation.

One such bad situation not really addressed in the Governor's budget is the lack of office space in Concord. The Health and Welfare Building was one of those planned by my Public Works Committee three years ago — only now it is being authorized. We must plan now for a new building to house the Education Department, the Department of Safety and many other departments which are spread all over Concord.

The Health and Welfare building has already been calculated into our plans for space but nothing new is being planned. We must make sure that we act responsibly in this area because it is ridiculous to hire state employees to help our citizens and then hide them in a renovated bowling alley where the public can't find them.

I will answer any questions.

Sen. JACOBSON: First of all I would like to thank you for that report. It was very illuminating. I just had one question in regards to Highway. Now in the Highway bonds did they also participate in federal funding to pay this off too so it is not just State taxes, is this correct?

Sen. TROWBRIDGE: No, I believe that — well it is a matter of account.

Sen. JACOBSON: Well some of these summaries are 90-10.

Sen. TROWBRIDGE: Yes indeed, but they are not bonded. That is the difference. What you have on bonding is mostly financing. It is construction bonds you have to get the money in on a cash flow basis so that there is a bonding each year to go out and do the work and then the money comes in. It is really like construction money. And again it is charged to the Highway fund and not the General Fund.

Sen. SANBORN: Would you care to enlighten the Senate of how much we are spending annually in rental space in the city of Concord?

Sen. TROWBRIDGE: I would be very happy to. When you add up everything including rent plus a great many of the buildings we pay a lower rent because our State employees do the maintenance and we pay the heat. I think at the last count it was \$650,000.00 per year that we are paying in rental for State agencies. Now you speak of how much principal and interest that would support and you could have an awful lot of buildings. The problem is we just haven't gotten up and tackled it. Everybody has been scared to put up a State office building, thinking it was extravagant. Well nothing could be more extravagant than renting the bowling alley over here for \$115,000.00 a year when I think that someone told me that the total purchase is only about \$150,000.00. Now that really is bad.

Sen. SPANOS: You indicated that it would be most difficult to prepare a budget without the full knowledge of loss of federal funds, right, and the status as far as the government is concerned. About a month or a month and a half ago the Governor did present us a budget. Do you know offhand whether or not he had this information available to him in order to prepare that budget?

Sen. TROWBRIDGE: My understanding Sen. Spanos is that in order to take a consistent pattern, and I don't blame the Governor on this, you have to take a position when you are doing this. At that time they said look at all the federal programming that are running on a continuing resolution at this point. This is all that is funding anything right now and that we will assume that the continuing resolution goes forward, like the library for instance, the State library. They included every federal fund that is now coming in at the regular level. We know that that has been cut out of the proposed Nixon budget. We know that \$225,000.00, if the Nixon budget ever gets passed, will get cut out. So all I can say and all anybody can say is that we know what the maximum problem is and then, as I say, it is going to be up to all of us to figure out what is the best way of handling it because a number of things could occur. You could get no Nixon budget passed so you are left with a continuing resolution where some of the Nixon tax cuts go in and some don't but they happen after July 1 so where are we. It is going

to be a horrendous problem, one we are going to answer though, not to rely on someone else.

COMMITTEE REPORTS

HB 81

increasing the amount of political expenditures authorized for candidate in primary elections seeking the office of governor, U. S. Senator, representative in Congress, Governor's councilor, county officer, state senator or representative to the general court. Inexpedient to legislate. Sen. Johnson for the Majority. Ought to pass. Sen. Jacobson for the Minority.

Sen. JOHNSON: HB 81 pertains to increasing the allowable amount of political expenditures by raising the figure from 15c to 25c per qualified voter. The majority finds that there is nothing in this bill that would contribute to the common good. This bill will not produce better government.

George Gilman, Citizen spoke in opposition. He stated there is an abuse of the system now, raising the allowance will not correct the well known violations of the current limits. George Roberts suggested that laws provide that the winner could check the spending of the loser. Everybody seems interested in correcting the abuses of the present laws governing expenditures. We feel that just reducing the degree of abuse is not the answer. We urge the adoption of the majority report, inexpedient to legislate.

Sen. Jacobson moved that the words ought to pass be substituted for the words inexpedient to legislate.

Sen. JACOBSON: HB 81 encouraged a vigorous discussion within the committee with a final 3 to 2 decision against. The increase from 15c to 25c seems reasonable because of inflation. The date of the present regulation is 1967, and combined with increased cost through more differentiated campaign advertising, it would seem not inconsistent with costs. It further provides that candidates for the House in New Hampshire can spend up to \$750. This is done principally to accommodate candidates for the House in multi-member districts such as in Salem where the actual electorate is far in excess of 1,800. Now what this bill does is to allow the honest politician to continue to be honest in reporting their expenses. This does absolutely nothing to curb illicit spending which is the bane of our poli-

tical system. According to reports to me, it will cost at least \$100,000.00 per campaign to run for Congress and \$250,000 for U. S. Senator or Governor. Now you who are planning any of these campaigns in 1974, you may ponder all your resources before you make the plunge. Frankly, we need to make radical changes in our methods of political campaigning. Until such time, the present unenforceable regulation serves only to breed further disrespect of the political profession. Yet, for those who determine to live within specified spending limits, this bill would be a reasonable aid. I urge its adoption.

Sen. PRESTON: I would like to rise as the other half of minority in support of Sen. Jacobson's motion and I think that surely inflation would suggest the 25c would not be unreasonable in reference to situations like Salem where the population may now be 25,000 and up to perhaps \$20,000.00 for representative at large. Hampton and Hampton Falls area where the populations may be 12,000 or 15,000 at this time, so I would suggest that if these representatives were conducting a very competitive campaign attempted to do a mailing with an 8c stamp, etc., realistically you should be reporting all of your campaign expenses in a campaign and therefore you would be unable to mail literature, you would have to get into your car and drive out to all of these people, so therefore I urge you support Sen. Jacobson's motion.

Sen. POULSEN: I rise in opposition to this motion. I am no richer now than I was two years ago and I don't like the idea of giving any potential opponents the ability to spend more money therefore making it more necessary for me to spend more money.

Sen. JOHNSON: Do you think that inflation will inflate the quality of the candidate?

Sen. PRESTON: No senator, I think it places a person who chooses to run against you in an unfair position. I understand you have a garage full of signs and literature you have collected over the years now that you could use where an opponent might have to go out and buy them leaving him in an unfair position.

Sen. BOSSIE: In your wisdom in discussing this bill it seemed unusual that what we are discussing is primary elections. Now why didn't the committee suggest that this should

also include the general election. It would seem that perhaps you are suggesting that many of our districts the primary election is of more importance than the general election.

Sen. JOHNSON: Senator, that is an interesting question. I don't know how it is in your district but I know how it is in mine, the primary is the big election and that is where the money is spent.

Sen. BOSSIE: It would appear that in my district it is too. In fact, in this past election there was no opposition running in the general election. The candidates of my party in the primary election were obviously going to be the winner so therefore I believe I spent somewhere in the area of \$25.00 in the general election but \$1,800.00 in the primary. My suggestion, if the total amount — if it were going to be ruled inexpedient to legislate than you could spend all the money you are permitted to spend in both elections instead of dividing it between two. Wouldn't that be a more sensible suggestion?

Sen. JOHNSON: That was not how we interpreted the bill. The bill came in with an arbitrary figure.

Sen. PORTER: I noticed that there is no relationship in the RSA's that I know of or nor is there anything listed here relative to mayors. What is the spending limit on Mayors now?

Sen. JOHNSON: That question doesn't seem to be germane to the bill. This seems to be State offices I would say as far as the spending limits to Mayor we never spent so much.

Sen. SPANOS: For the purposes of clarification, would you kindly tell us whether HB 81 applies only to expenditures in primary elections or does it apply to expenditures in primary elections and the general election?

Sen. JACOBSON: This is a general statute and it would apply to both the primary election and the general election so that your proposed campaign for governor will cost you \$500,000.00 in the end.

Sen. DOWNING: I rise in opposition to the motion. I have heard the town Salem mentioned here several times and used as an example. Having campaigned in Salem I see no need

to increase the level of spending, in fact I would be more satisfied if the level were reduced.

Motion not adopted.

Majority Report Adopted.

SB 70

relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill seeks to establish the per diem remunerations be payed to the State police employees as a fixed fee of \$45.00 per month per man. Currently under the statute the Director of the State Police to approve vouchers payable out of division funds as other state employees do, however there are several steps that you must go through with these various forms. It has to go to the Field Captain, from the Field Captain to the Headquarters, and then to the main headquarters for manifesting, the business office, the division of accounts, State Treasurer and then from the State Treasurer to the employee. This suggestion would cut down on considerable man hours and the men would be more justly compensated for their time.

Sen. S. SMITH: I rise in support of this bill. I think that this is one of the most beneficial pieces of legislation which I have seen this session. If more work could be done in the legislative columns to cut red tape, not vertically but horizontally, as this bill does, I think that the cost of State Government, quality, equity among state employees would be greatly enhanced and I urge the committee to vote for this bill.

Adopted. Referred to Finance.

HB 192

relative to the definition of civil defense and the civil defense executive council. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill would expand the Civil Defense law to include for the planning for man made disasters. It covers the possibilities of disasters instead of just waiting for disasters to occur and it places the current civil defense advisory council, which hasn't met in the period of twelve years and some of its members have moved, to be able to have an execu-

tive council of department heads. These would be the same people as are in Operation Link Up, formed to coordinate State agencies in the event of disasters and reinforce the current emergency operation within the State. It has the strong support of General McSwiney and there was no opposition to the bill at the hearing.

Adopted. Ordered to third reading.

HB 171

increasing the maximum pension allowed for certain firemen, police officers and constables. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: HB 171 is permissive legislation increasing the maximum pension which a town may grant on a yearly basis to part time or special employees, i.e. call fireman or special policeman. Originating in 1907, it was increased from \$500 to \$1,000 in 1965, now to \$2,500. It was the unanimous vote of the committee that this ought to pass.

Adopted. Ordered to third reading.

SB 26

relative to purchasing procedures by the University of New Hampshire. Inexpedient to legislate. Sen. Johnson for the Committee.

Sen. JOHNSON: SB 26 pertains to purchasing procedures at U. N. H. It states that UNH combines requirements with those of the Director of Purchase and Property for items common to both cases. The treasurer of UNH testified against the bill. Mr. Myers stated that this procedure has been followed wherever practical for many years. As a matter of fact UNH due to educational discounts have been able to purchase certain equipment and supplies at better prices and as a result buys them from other agencies. The committee felt that this bill was unnecessary.

Sen. FERDINANDO: If the university is following this principle why was there opposition to the bill. If they are actually taking advantage to the State purchasing Department and are buying things for less money, why would they want to oppose the bill.

Sen. JOHNSON: They do not want it on the basis of it is

sort of a mandatory restriction and number two, that they could conceivably run into problems that they would not be able to buy items at the lowest price due to let's say their educational discounts on mandatory supplies and equipment and all kinds of things like that.

Sen. FERDINANDO: Is there anything in the bill that says that they couldn't do so?

Sen. JOHNSON: The University shall combine their requirements with those of the Director of Purchase and Property.

Sen. FERDINANDO: Does it in any way say that the University shall not buy through educational opportunities at lower prices. Is there anything in this bill that would forbid them to do so?

Sen. JOHNSON: I would say that it could be construed to mean so, yes.

Sen. Ferdinando moved that the words ought to pass to substituted for the words inexpedient to legislate.

Sen. FERDINANDO: I do so because there isn't any question in my mind that if the University can buy on their own on a lower level there is nothing in this bill to prohibit this from happening. But I think the one thing that by having this bill that the taxpayers of New Hampshire will be getting their money's worth on their expenditures. Whether it is for the purchasing of paper supplies or automobiles, there are thousands of dollars that can be saved for the taxpayers of New Hampshire if we passed this bill.

Sen. TROWBRIDGE: As you know the University buys in large quantities but I wonder why in your bill you put in this other sentence, except where competitive bidding has been employed on such purchase involving an expenditure of \$500.00 or more will be made by the University purchasing agent without the written approval of the treasurer of the University when what you are saying is that you should buy it through the Purchase and Property up here in Concord. What does that have to do with the bill.

Sen. FERDINANDO: The continuation here is that where they exceed \$500 and do not take advantage of the lower rate they will then notify the treasurer.

Sen. TROWBRIDGE: Then if all the treasurer of the University has to do is approve it what change have you made with this bill over what is going on right now?

Sen. FERDINANDO: That is a good question. I have no objection of taking that section out of there. You could make this a special order for one day next week. I would be very receptive to taking that clause out of there. I don't know where it came from but we can take it out.

Sen. TROWBRIDGE: I move that SB 26 be made a Special Order of Business for Tuesday next at 1:01, March 27, 1973.

Sen. SPANOS: I rise in support of Sen. Trowbridge's motion and I do so because I feel this is the area of the special order that we should be considering when we do allow for a special order to go for another day. It is not a strategic move by any means nor a parliamentary movement of any kind but an effort by the sponsor to change this bill and I believe that this is a proper and fair request.

Adopted.

HB 161

legalizing the annual town meeting of the town of Warren. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: This bill only legalizes the Town meeting, the last one in Warren, when they were wrong one day in the posting of the warrant.

Adopted. Ordered to third reading.

CACR 22

Relating To: Establishing a four-year term for Governor. Providing That: The Governor shall be elected every four years on the Non-presidential election years, and no person shall serve more than two terms consecutively. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President the committee divided 3 to 2 in favor of ought to pass on the question of CACR 22. Very simply it is a proposed amendment to our constitution to allow for the 4 year term for Governor, elected in non-presidential years, but restricting the number to two consecutive terms. A majority of the committee recommends that this CACR be adopted and sent to the people for their approbation.

Sen. TROWBRIDGE: I would just like to go on record as being in favor of a four year term for Governor — more than a four year term for governor the basic idea of sending to the voters such an important issue as this even though it has been turned down before. I think that something like four year terms where we have election law discussion today about expenditure of funds, and all of that consideration. One of the biggest considerations we have in this State is the amount of time taken away from the public by the necessary campaigning done by each candidate for governor and I think that this is a waste of time frankly, and I think we should keep putting this question to the voters to that if at anytime two thirds of them do decide to adopt it it is at least there.

Sen. SPANOS: Very briefly this constitutional amendment is a measure which I sponsored and which I have sponsored many times before but hope springs eternal in the human breast so to speak and maybe one of these days the people of New Hampshire will recognize the true merit of a four year term for the governor and alluding to Senator Jacobson indicated perhaps it would cost some people running for governor one half a million dollars and I want everybody interested in running for governor to know that this will not take effect until 1978 if passed.

Sen. FERDINANDO: Was there any consideration given to having the Senators and the House of Representatives for four years?

Sen. JACOBSON: No, we did not consider that although that is a feasible consideration. That is another part of the constitution and therefore might come under consideration of the problem of another constitutional amendment. I am sure that the committee would be glad to consider such a CACR if it should come before the committee.

Adopted.

Question on ordering to third reading.

Division required: 15 Yeas, 4 Nays.

Adopted. Ordered to third reading.

HIB 349

relative to census of persons as of April first. Ought to pass.
Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 349 provides for an additional insertion on the inventory blanks sent out by cities and towns circa April 1 each year. The provision calls for a census of persons residing on a property with respect to name and age. Such information will be most helpful to municipal officials because so many present regulatory responsibilities demand knowledge of the age of residents of the town. The committee recommends its adoption.

Sen. Downing moved that HB 349 be made a Special Order of Business for Wednesday next at 1:01, March 28, 1973.

Sen. DOWNING: The reason why I request a delay and have it made a special order of business is that I would like to prepare an amendment for the bill.

Adopted.

HB 3

relative to the appropriation of funds for the use of the governor. Inexpedient to legislate. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 3 would require that the Governor submit a detailed report of how he expended his contingency fund ninety days after the close of a fiscal year to the comptroller's office. The committee view was that the Governor ought not to be subjected to this kind of declaration since the total sum has never been very large. Furthermore, there are checks available. The view was that if you can't trust a Governor with this small amount, he ought to be voted out of office anyway.

Sen. TROWBRIDGE: I speak in favor of the committee report. It might be interesting to note that the other bill that has come in asking for a report for the entire budget sponsored by Senator Nixon and it also has the defect in it that asks for 90 days or 60 days and we don't really expect that you can expect these reports for at least 120 days because they don't close the books that fast so I agree with the committee on Executive Departments. Even if you demand this you might not find that it is possible.

Adopted.

HB 9

to provide for the adoption of absentee voting at certain

town, village district and school district annual elections. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 9 is a further extension of the voting privilege through the allowance of absentee voting at local municipal election. It is permissive legislation as each municipality must first adopt the procedure by referendum. It may also rescind an earlier action if a municipality may so decide. The committee recommends its adoption.

Adopted. Ordered to third reading.

HB 106

eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 106 cuts off the 45 day requirement for registering in absentia and would allow a person to register anytime up to the closing of the checklists. Furthermore, it eliminates the Secretary of State as a middleman in the process so as to allow city or town clerks to conduct the registration process. The committee recommends its adoption.

Adopted. Ordered to third reading.

HB 48

relative to enforcement of orders of tax commission for abatement of taxes. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: This bill provides an order of abatement ordered by the Tax Commission may be filed with the Clerk of Merrimack Superior Court and once so filed execution may be issued thereon in the same manner in the judgement of the Superior Court. This bill is sponsored by Rep. Deos from Merrimack District 5 and at the request of the New Hampshire Tax Commission. There was no opposition to the bill. The Deputy Director of the New Hampshire Municipal Association came in support of it. What it does basically is to permit the tax commission to enforce its rulings and at the same time give the municipalities the right to appeal to the supreme court questions of law relative to the decisions of the Tax Commission and everybody involved seems to think that it is very desirable and I urge your support.

Adopted. Ordered to third reading.

Sen. FERDINANDO: I move that the rules of the Senate be so far suspended as to allow the introduction of HB 314 without previous printing in the Journal.

Adopted.

HB 314

relative to accident and health insurance issued under franchise plan. Ought to pass with amendment. Sen. Ferdinando for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the expiration date of insurance company licenses.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Change of Expiration Date. Amend RSA 402:12 by striking out in line five and in line nine the words "April first" and inserting in place thereof the following (June fifteenth) so that said section as amended shall read as follows:

502:12 Licenses. On compliance with the foregoing conditions, and if the company is found upon examination made by or under the direction of the commissioner to have complied with the laws of the state applicable to it, a license to transact the kind of business specified therein shall be issued until June fifteenth thereafter; such license may be renewed so long as the company shall comply with the requirements of the law and the commissioner shall regard it as safe, reliable, and entitled to confidence. Any such license, or any renewal thereof unless surrendered or revoked, shall expire on June fifteenth next after its issue.

2 Foreign Insurance Companies; Expiration Date. Amend RSA 405:12 by striking out in line five and line six the words "April first" and inserting in place thereof the following (June fifteenth) so that said section as amended shall read as follows:

405:12 Licenses. If the foregoing provisions are complied with and the commissioner is satisfied that the company has the requisite capital and assets and is a safe, reliable company, en-

titled to confidence, he shall grant a license to it to do insurance business by authorized agents within the state, subject to the laws of the state, until June fifteenth thereafter; and annually thereafter, on June fifteenth, such license may be renewed so long as the company shall comply with the requirements of the law and the commissioner shall regard it as safe, reliable and entitled to confidence.

3 Application to Existing Licenses. The license of every insurance company or renewal thereof issued in accordance with RSA 402:12 or RSA 405:12, which is in effect in this state on the effective date of this act shall expire on June fifteenth, 1973 unless surrendered or revoked.

4 Effective Date. This act shall take effect upon passage.

Sen. FERDINANDO: I do so because the Insurance Department has asked me to offer an amendment that changes the dates of insurance company licenses from April 1st to June 15th. This would uniform their system. They have been bugging me for the last week asking me to get this amended now so for that reason I am proposing this amendment to go along with HB 314.

The amendment changes the existing statute. Right now the companies have until March 1st; the Insurance Department has to act by March 1st in order to renew licenses. The insurance department proposed the amendment changing it from March 1st until June 15th to allow more time to study financial positions of insurance companies to make sure that it is safe and reliable and the extra time was thought to be necessary to do this and that is what the amendment does. The bill itself requires the number of employees of any corporation to purchase insurance under a franchise plan from five to three. This would allow more people to qualify under this policy and it allows companies to provide coverages that they want. The committee recommends that it ought to pass.

Sen. FOLEY: Does this make an entirely new bill? This amendment says strike out the whole thing including the title and I just wondered if you were making an entirely new bill.

Sen. FERDINANDO: No, this would just amend the existing 314.

Sen. FOLEY: It says "strike out all after the national

clause" and it just sounded to me as if this would be an entirely new bill and I wondered if this one had had a public hearing.

Sen. FERDINANDO: Yes we had a public hearing on the amendment as well as the bill. The amendment that you have may not be the exact wording as the one the Clerk has. This is the one the Insurance Department gave us and it wasn't properly drafted so for that reason we didn't act on it yesterday. I assume the Clerk has the right one.

Sen. S. SMITH: In looking up HB 314 as it was introduced into the House by Representative Jones it says that it is an Act relative to accident, health insurance issued under franchise plan. Now is that bill drastically amended in the House, title changed in the house?

Sen. FERDINANDO: Senator Smith that is the bill that we are acting on. That's the guts of the bill. The only change is that this amendment has been offered to the bill.

Sen. S. SMITH: It seems to me that the amendment strikes out amended title of the bill by striking out same and inserting in place thereof the following, relative to the expiration date of insurance company licenses. Does this have to do with accident and health insurance?

Sen. S. SMITH: Due to the fact that the title of this bill has been completely changed and I have briefly looked over the bill the whole body of the bill is changed, would it seem more logical for this to be scheduled for a new hearing and a rehearing?

Sen. FERDINANDO: If the committee feels that we should have a new hearing — that doesn't bother me at all — I think that the proper thing to do at this time is to recommit the bill. Let's get it properly drafted and bring it out tomorrow and if you feel you want to support the amendment that's fine and if you don't want to support it that's fine with me.

Sen. S. SMITH: Is that with or without a hearing?

Sen. FERDINANDO: We have already had a hearing. The amendment was proposed at the committee hearing and the committee acted on it and if you feel that we should have another hearing we will.

Sen. S. SMITH: I don't understand much about insurance

Senator but I would think that if this bill with its new title had not had a hearing under that new title that here might be no suspension of rules requested when it comes back without a hearing.

RECESS

OUT OF RECESS

Division vote requested: 10 Yeas, 6 Nays.

Amendment Adopted.

Sen. JACOBSON: I move that HB 314 be recommitted to the Committee on Banks, Insurance and Claims.

Adopted.

ENROLLED BILLS REPORT

HB 262, changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord.

Sen. Provost
For The Committee

SUSPENSION OF RULES

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to allow Third Reading and final passage on CACR 22 at the present time.

Division Required: 16 Yeas, 5 Nays.

Adopted.

Sen. SPANOS: I move reconsideration of CACR 22.

Not adopted.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until tomorrow in Dover at 1:00 and in honor of West High School No. 1.

Adopted.

PERSONAL PRIVILEGE

Sen. NIXON: Mr. President, yesterday in written form, and I read it for the first time last night, and then in oral form, and there was some discussion in regard to the Senate Presidency election which culminated on or about the first Wednesday in January, with my having the honor of ascending to presidency of the State Senate. I listened with care and I read with care both of the versions of that small incident and I can only say this that I don't know if I agree 100% with either version. Now to go further and suggest that if looking back on it now with the narrow perspective that any one of us might have, if we all stood up and gave in oral and written form we would probably have twenty-four different versions. On the other hand it must be remembered that such an occurrence, and particularly this one, took place among fatigue, emotion, strain and this all resulted, understandably, in misunderstanding on the part of many, including the principals. I would also suggest that to a great extent in the latter days and hours of this the principals were more aware of the circumstances than in control of them and I might say in this regard that the principals, the distinguished Senator from the 7th district and myself had resolved whatever differences we may have started out with anyway between ourselves on a personal basis long before the end came about. In all involved in the process was the usual political negotiating, and one thing I do remember about the whole process from beginning to end is I thought under the circumstances difficulties in communication, travel, again emotion and fatigue and misunderstanding that there was a remarkable lack of personal animosity and a remarkable lack of deception or whatever, giving the full freedom in play of the democratic process. With regard to the written summary of the event, which was to some extent over laudatory, I can only reverse and paraphrase what Winston Churchill said in a famous speech in the House of Commons on January 22, 1941 when he was being attacked for his conduct, or a lack thereof, of the allied cause of World War II, "I do not mind criticism even for a time for the sake of emphasis it clashes with reality." In my case I do not mind praise even for emphasis it clashes with reality. So be that what it may whether we are talking about graves, skeletons in closets or hatchets, as far as I am concerned and I am positive this is true of my distinguished opponent everything was buried even before the final vote was taken and has remained

buried since in our personal relations which is to the good praise of the Senate. So far as that is concerned also which we are judged more by our words than by our actions, I think that now is the time for all of us to forget what happened last December and even forget what happened on the first Wednesday of January. I would be the last one in this chamber to say that the best man won or the poor man lost because I am well aware, perhaps more so of any of you who voted either way on that issue, of the distinguished qualifications and intelligence which have made themselves manifest of my distinguished opponent. So be that as it may I would only suggest to the Senate that for the good of this body and for the good of the State and the people that we represent that I will concur with the remarks that the distinguished Senator from the 7th district that whatever was opened yesterday be buried today and whatever was flying around by way of a hatchet previously, if it was, be buried and that in whatever closet the skeleton appearing was open be again closed and that we get on with the good times and the good works, having in mind that we have a tough session. We are halfway through the session, having considered only about 1/10 or 1/4 of the bills that are going to come before us and resolve that when we go home on the 1st day of July we go home as people who have gone through what can be a tremendous, creative and enjoyable, worthwhile experience opposed to a frustrating, vindictive, and emotional experience. And with that spirit and the spirit in which I know the Senator from the 7th district joins with me I would ask him to allow me to escort him to the podium where we will jointly reveal to all of you a message with which we ask your support.

LATE SESSION

Third Reading and Final Passage

HB 192, relative to the definition of civil defense and the civil defense executive council.

HB 171, increasing the maximum pension allowed for certain firemen, police officers and constables.

HB 161, legalizing the annual town meeting of the town of Warren.

HB 9, to provide for the adoption of absentee voting at certain town, village district and school district annual elections.

HB 106, eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks.

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

Adopted.

Sen. McLaughlin moved the Senate adjourn at 3:47 p.m.

Thursday, 22Mar73

The Senate met at 1:00 p.m. in Dover, New Hampshire.

A quorum was present.

Prayer was led by Rev. Joseph Klatka, St. Mary Church, Rochester, New Hampshire.

Almighty Father, You are the supreme governor and ruler of the hearts and minds of all men. Your wisdom and compassion for men, is unsurpassed by our feeble attempts to understand the mysteries of life. We ask however, that You give us the courage to change the things we can, the serenity to accept the things we cannot change, and the wisdom to know the difference. Let us go forth asking His blessing and His help; knowing that here on earth God's work must truly be our own, and that society and government, if it is to live and govern rightly, must have recourse to the wisdom and guidance of God. Himself. Amen.

Pledge of Allegiance was led by Senator Green.

(Senator Walworth Johnson in the Chair)

Introduction of Mayor Ambrose E. Breen.

Sen. JOHNSON: Mr. President and members of the Senate I would like to introduce an old colleague of mine and a good friend in long standing and I am sure he is a friend of yours, the Honorable Mayor of Dover, Ambrose E. Breen.

Mayor BREEN: Mr. President, Members of the Senate, it is a pleasure to welcome you here today, especially more so that this is the 350th anniversary of the City of Dover that we are cele-

brating this year and I am pleased that we have the facilities and especially more so that the student body being able to be present to see the Senate in action. I thank you very much.

Introduction of Senators.

Introduction of Leon Anderson, Senate Historian.

LEON ANDERSON: This is Dover's second legislative session. The first was 180 years ago, when the 1792 Legislature held its summer session in Dover, with Ebenezer Smith of Meredith as Senate President.

This Senate meeting is partly in observance of Dover's 350th anniversary, which is also the state's 350th birthday. It is also part of a series of weekly sessions through the state to mark the Senate's 190th birthday, and to bring its functions closer to the people it serves.

The Senate was created in 1783, when our present state government was born out of the Revolutionary War. It had but 12 members for 95 years and since 1879 has had 24.

The Senate is officially the upper branch of the Legislature. Its purpose is to serve as a curb and check on the House of Representatives and its giant membership.

The Senate can also sponsor bills to improve the public welfare. But the constitution forbids it from initiating taxes, for the people have insisted upon keeping that important function within the House.

The Senate was originally created to represent property and other wealth. But down through the years this denominator has evaporated into theory. The Senate's annals show it has equalled the House in public service, regardless of vested purpose.

The Senate, like the House, set its own pay for 105 years and never abused the privilege. Members voted themselves \$2 per day for a long time and then after the Civil War boosted their pay to \$5.

After the Legislature went into biennial sessions in 1879, they began to drag and went from a previous average of 40 days, up to 80 days in 1887. So the people approved a constitutional amendment, freezing legislative pay at \$200 per session, regard-

less of length. This was done to induce the legislators to work less and stay home more, and it worked for the following few years.

Because of the ever increasing complexities of public affairs, the Senate and its House counterpart have in recent years been hard put to do their necessary deliberations within the space of six months, every biennium. There has developed need for return to annual sessions, of about three months duration each, for the better management of the state's business. The voters have already twice approved annual sessions but the actions were invalidated, once by a technical error and then by a recount. This important issue is expected to be on the 1974 biennial ballot for yet another referendum bid.

Observers have long been agreed the Senate's membership should be increased to at least 30 or 36 members, because the present 24 members are hard put to give proper deliberative attention to the scads of business they must handle through three days of work weekly, within 26 weeks of constitutional limitation.

Dover has boasted 44 State Senators, including present Senator Walworth Johnson, former mayor and councilman. None rose to the presidency but Noah Martin, a two-term back in 1835-36, became a two-term Governor in 1852.

Dover has had one woman Senator, Mrs. Molly O'Gara of the 1965 session.

John Wentworth was the first Senator, sitting in the first session of 1784. Next were Otis Baker for two terms and John Waldron, of Dover's famous fighting family, who served nine terms from 1788 through 1806, while William Hale served four terms in between.

Ten others who served annual terms from 1825 through 1879 were Andrew Pierce, James Bartlett, Ezekiel Hurd, Amos Cogswell, Andrew Pierce Jr., Joseph H. Smith, Asa Freeman, Charles A. Tufts, Joshua G. Hall and Charles E. Smith.

Paul G. Karkavelas set a Dover Senatorial record by being elected to four biennial terms starting in 1957 and James Koromilas ranked next with three terms beginning in 1967.

Dover boasted two Senators in the 1907 session — John H.

Nealley and Ezra O. Pinkham, because their respective wards were in separate Senatorial districts.

Dover's 23 other Senators have been James F. Seavey 1881; Benjamin F. Nealley 1887, John H. Nute 1889, Miah B. Sullivan 1891, Andrew Killoren 1893, John T. Welch 1897, Nathaniel Horn 1899, Allen D. Richmond 1903, Frank B. Clark 1905, Clarence I. Hurd 1909, John W. Jewell 1911, Valentine Mathes 1915, George I. Leighton 1917, Alvah T. Ramsdell 1919, Arthur G. Whittemore 1921, Homer F. Elder 1923, George J. Foster 1927, Frank F. Fernald 1931, T. Jewett Chesley, 1939, Carroll E. Hall 1941, Charles F. Hartnett 1949-51, Frederick C. Smalley 1953-55, and Thomas C. Dunningham 1961.

Rochester has had two dozen State Senators since 1783, the 24th being present Senator Richard P. Green, youngest of the 1973 Senate, who marked his 35th birthday last Sunday.

One of them was Samuel D. Felker of the 1891 session, who became Governor in 1913. Another was Leslie P. Snow, Rochester's only Senate President, of the 1921 session.

John McDuffie was Rochester's first Senator, in 1786 and he served six terms. Edmund J. Marcoux was a five-termers, ending in 1947, after which he became a Liquor Commissioner. And Lucien E. Bergeron was another five-termers, ending in 1967.

Five other Rochester men served annual Senate terms up to 1879 when the state government went on a biennial basis. They were Richard Dame, 1807 for two terms; Jonas C. March, 1813 for three terms; James Farrington, 1832 for three terms; Charles S. Whitehouse, 1863 for two terms and Edwin Wallace, 1873.

Other Rochester Senators have been Charles W. Folsom 1883, Albert Wallace 1897, John H. Neal 1903, Charles H. Seavey 1909, John H. Bates 1917, John L. Meader 1919, Edgar J. Ham 1923, Harry H. Meader 1927 and 29, John M. Hubbard 1931, Thomas C. Burbank 1949 and 51, Maurice A. Jones 1953, J. Paul LaRoche 1955.

Introduction of Guests.

Sen. JOHNSON: Do the Senators have any guests they would like to introduce.

Sen. SPANOS: I would like to introduce my sister from

Somersworth, N. H., Mrs. Pappas and also my three lovely nieces in the front row.

Sen. GREEN: I would like to introduce my wife, Anita, and also six young gentlemen here that helped with my campaign.

Sen. FOLEY: I would like to introduce a former Representative here, Rep. Kenney and his wife from Dover. The Principal of the St. Thomas Aquinas School, Sister Ramunda and also members of the St. Thomas Aquinas School who are here today. Also a large group that is here from Oyster River High School.

Sen. GREEN: I would like to introduce a former Senator, Ted Snell.

Sen. BLAISDELL: Mr. President, I notice a former friend of mine, from Keene, Don Chick, I would like to say hello to him.

Sen. SPANOS: I would like to introduce my old school teacher from my old High School, Mrs. Donald Bryant.

Sen. JOHNSON: I would like to introduce the Mayor pro-tem of Dover, Mrs. Sylvester.

Sen. PRESTON: I would like to recognize the Superintendent of Schools, Fred Walker.

(Senator Nixon in the Chair)

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 385, relative to changing the name of the Association of New Hampshire Assessors. Referred to Ways and Means.

HB 393, providing for rules of professional conduct in the practice of land surveying. Referred to Public Works and Transportation.

HB 365, relative to the administration of county jails and houses of correction. Referred to Executive Departments.

HB 407, to abolish the town of Hampton municipal development authority. Referred to Executive Departments.

HB 427, relative to penalties for reckless driving. Referred to Judiciary.

HB 341, changing the date for distribution of sweepstakes funds. Referred to Ways and Means.

HB 403, lowering the age of majority to eighteen. Referred to Judiciary.

HJR 42, relative to the marine boundary between Maine and New Hampshire. Referred to Resources and Environmental Control.

HOUSE CONCURRENCE WITH SENATE AMENDMENT

HB 204, establishing a New Hampshire fruit marketing committee.

HOUSE CONCURRENCE ENROLLED BILLS AMENDMENT

HB 132, relative to definition of resident under fish and game laws.

HOUSE ACCEDES TO COMMITTEE OF CONFERENCE

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

The Speaker has appointed as members, Reps. Chase, Conley, Doris Thompson and Vachon.

Sen. NIXON: We will now proceed into the nitty gritty of this, but before we do, I would also like to introduce the President of the N. H. Bar Association, Don Bryant.

(Vice President Spanos in the Chair)

SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to permit immediate consideration of HJR 42, waiving proper hearing and notice in the Journal.

Sen. NIXON: I will explain the reason for the request for

suspension. It was sponsored in the House today at the request of Governor Thomson and also the people associated with him who are involved in the deliberations with the State of Maine as for a fair and appropriate location for the off-shore boundary between the State of Maine and N. H. The reason why the waiving of the rules has been requested, a personal request by Governor Thomson, is because the committee and the appropriate officials of the State of Maine and the State of N. H. are going to meet tomorrow to commence negotiations as for a proper location for the boundary line referred to. The resolution itself will be drawn up with or by and certainly with the concurrence of Attorney Richard F. Upton, who is the Chairman of the Fish and Game Commission and who is a recognized authority in the area of boundary lines and in this particular situation. I think the purpose of this resolution, so far as it was explained to me in the brief time available before I rushed over here from Concord. This would put the N. H. officials and the negotiating committee in a better position in terms of negotiating than they now are. What the resolution does is simply this, "that it is hereby declared the State of N. H. does not and never has agreed to or acquiesced in the lateral Marine boundary between the States of Maine and N. H. as most recently delineated on maps of the Kittery and Isles of Shoals quadrangles published by the U. S. Geographical Survey in 1956 or on any prior additions of such maps showing substantially the same delineation." I have explained the merit of the proposal and also the request, which request was made to the House which was acted upon today just before we came here.

Adopted.

COMMITTEE REPORT

HJR 42

relative to the marine boundary between Maine and New Hampshire. Ought to pass. Senator Porter for the committee.

RECESS

OUT OF RECESS

Sen. PRESTON: Just as a matter of interest, Mr. President, I think that the one reason for this resolution coming about is because of a Dover resident, Mr. Edward Heaply, who was going

about his business of lobstering and was apprehended by Maine officials who alleged he was over his imaginary line which is discussed in this resolution, and Sen. Foley and I went out on a boat with Governor Thomson along this line and this is what this is attempting to solve.

Sen. Porter moved that HJR 42 be laid on the table.

Adopted.

Sen. JOHNSON: I would like to introduce a guest at the back of the hall, a former Senator, Mr. James Koromilas.

COMMITTEE OF CONFERENCE REPORT

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the State of New Hampshire.

Sen. DOWNING: I move the adoption of the report.

The committee of conference to which was referred Senate Bill 31 'An Act providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.' having considered the same report the same with the following recommendation:

That the Senate recede from its position of nonconcurrence in the House amendment; that the House recede from its position in adopting its amendment; and that the Senate and House each adopt the following amendment:

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Sen. Delbert Downing, District 22
Sen. William Sanborn, District 17
Sen. Laurier Lamontagne, District 1
Conferees on the Part of the Senate

Rep. Russell Chase, Carroll 4
Rep. Raymond Conley, Carroll 3
Rep. Doris Thompson, Merrimack 10
Rep. Marcel Vachon, Hillsborough 33
Conferees on the Part of the House

Sen. DOWNING: Mr. President, the results of the committee of conference is that it puts the bill right back where the Senate originally intended it to be. While the conference report alluded that the Senate recede in its position, the Bill passed originally called for it to be effective within 60 days and that was back in January. The House amended it to make it effective Jan. 1974. The Committee of Conference makes it effective on passage, so this is perfectly in line with the intent with the Senate originally passed it, and I urge your support.

Adopted.

COMMITTEE REPORTS CONTINUED

HB 62

relative to the incorporation of a state bank or trust company. Ought to pass with amendment. Sen. Ferdinando for the Committee.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

relative to the incorporation of a state bank, a trust company or a savings bank.

Amend the bill by striking out section 2 of same and inserting in place thereof the following:

2 Petition for Incorporation of Savings Banks. Amend RSA 386-A:4, RSA 386-A:5 and RSA 386-A:6 as inserted by 1965, 279:1 by striking out said sections and inserting in place thereof the following:

386-A:4 Petition. A petition requesting approval of the proposed incorporation shall be filed with the bank commissioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall be annexed a signed duplicate of the articles of agreement. An examination fee of five hundred dollars, payable to the bank commissioner, shall be paid when the petition is filed and may be used to defray the

expenses of the proceedings on the petition, any remaining balance to be paid to the state treasury for the credit of the bank commissioner. The bank commissioner shall examine each petition and if he finds that it is duly completed, he shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition as he considers expedient, for the purpose of more fully informing the board. Said board may upon request of any interested person or corporation or at its own discretion order a public hearing or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the board may order.

386-A:5 Notice. If a public hearing upon the petition is ordered by the board under the provisions of RSA 386-A:4, notice of such hearing shall be caused to be published by the petitioners at least once a week for three successive weeks, in one or more newspapers designated by the commissioner. The notice shall be in such form as may be prescribed by the commissioner, setting forth the place, date, and hour of the hearing, the names, addresses and occupations of the incorporators, and the name of the proposed corporation, and such other information as the form may require. One of the newspapers shall be a newspaper generally circulating in the city or town where such bank is to be located. The first publication of such notice shall be within thirty days after the petition has been referred to the board by the commissioner. The petitioners shall also cause a copy of such notice to be mailed to every bank, trust company, or other corporation, described in RSA 384:1, located in the city or town where such bank is to be located, at least fourteen days before such hearing date. The petitioners shall furnish the board with written proof of the publication and service of the notice under this section, on or before the commencement of the hearing.

386-A:6 Consideration. Before acting on any petition the board shall consider such evidence as may be presented by the petitioners and all other interested persons, firms and corporations, including members of the general public and shall keep a permanent record of such evidence. The petitioners shall submit to the board full information as to the identity and background of each person, firm or corporation who has subscribed to the initial capital of the proposed bank. In making its deci-

sion on each petition, the board shall not take favorable action unless it determines that:

(1) the bank will serve a useful purpose in the community in which it is proposed to be established,

(2) there is a reasonable expectation of its financial success,

(3) its operation will not cause undue injury to existing institutions that accept funds from savers on deposit or share accounts, and

(4) the applicants are persons of good character and responsibility, and,

(5) there is reasonable prospect of raising such amount of initial capital funds as the board may determine to be reasonably necessary, but not less than the requirements of section 21 of this chapter.

Sen. POULSEN: Mr. President, I move for reconsideration of this bill. When this bill came to us from the House, we found that the Committee had made an error and which was changed by amendment. This was voted through the Senate and was sent out to the House and we found that we, ourselves, had made an error and I ask now that we reconsider and vote the amendment out that we have in the Bill now and hopefully vote in the amendment that now shows in our calendar on page 47. I recommend that we vote to kill the amendment that we passed a week ago that contained an error.

PARLIAMENTARY INQUIRY

Sen. TROWBRIDGE: Parliamentary Inquiry, Mr. President, I want to make sure that we are not compounding an error at this moment by voting down the proposed amendment. I think what Sen. Poulsen is saying that we ought to vote out the former amendment and I don't know exactly how you'd do that, your words as I heard them, you said vote down the proposed amendment. I would like to make sure that we know where we stand.

Sen. NIXON: I'm sorry, you are correct. We are talking about the amendment that was adopted a week ago.

Adopted.

Sen. POULSEN: I move that the amendment adopted yesterday by the senate be defeated.

Adopted. Amendment defeated.

Sen. POULSEN: I move that we adopt the amendment printed on page 47 of today's calendar.

Amendment adopted. Ordered to third reading.

HB 314

relative to accident and health insurance issued under franchise plan. Ought to pass with amendment. Sen. Ferdinando for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to accident and health insurance issued under franchise plan and relative to the expiration date of insurance company licenses.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Change of Expiration Date. Amend RSA 402:12 by striking out in line five and in line nine the words "April first" and inserting in place thereof the following (June fifteenth) so that said section as amended shall read as follows:

402:12 Licenses. On compliance with the foregoing conditions, and if the company is found upon examination made by or under the direction of the commissioner to have complied with the laws of the state applicable to it, a license to transact the kind of business specified therein shall be issued until June fifteenth thereafter; and annually thereafter, on June fifteenth, such license may be renewed so long as the company shall comply with the requirements of the law and the commissioner shall regard it as safe, reliable, and entitled to confidence. Any such license, or any renewal thereof unless surrendered or revoked, shall expire on June fifteenth next after its issue.

3 Foreign Insurance Companies; Expiration Date. Amend RSA 405:12 by striking out in line five and line six the words

“April first” and inserting in place thereof the following (June fifteenth) so that said section as amended shall read as follows:

405:12 Licenses. If the foregoing provisions are complied with and the commissioner is satisfied that the company has the requisite capital and assets and is a safe, reliable company, entitled to confidence, he shall grant a license to it to do insurance business by authorized agents within the state, subject to the laws of the state, until June fifteenth thereafter; and annually thereafter, on June fifteenth, such license may be renewed so long as the company shall comply with the requirements of the law and the commissioner shall regard it as safe, reliable and entitled to confidence.

4 Application to Existing Licenses. The license of every insurance company or renewal thereof issued in accordance with RSA 402:12 or RSA 405:12, which is in effect in this state on the effective date of this act shall expire on June fifteenth, 1973 unless surrendered or revoked.

5 Effective Date. This act shall take effect upon passage.

Sen. POULSEN: I move that we reconsider our action whereby we passed an amendment to this bill yesterday.

Adopted.

Sen. POULSEN: I move we defeat the amendment as proposed yesterday.

Adopted.

Sen. FERDINANDO: Mr. President, I think we finally have got the amendment straightened out. The original bill, in the first section it merely changes the franchise plan to enable for more people to have an accident and health policy. It changes from five members to three members and it now becomes optional. If someone wants to purchase a franchise plan — accident health policy, the group doesn't have to consist of five anymore, it can consist of three people. The second part of the amendment is the one that the insurance department is interested in, that merely changes the date to June 15. To issue licenses by the insurance department, both foreign and domestic companies. The insurance department felt that they needed the extra time to cover the financial conditions of the different companies for issuing their licenses and this is the text of the amendment and the bill.

Sen. LAMONTAGNE: May I ask the chairman what really happened on that amendment on HB 314, it was adopted and now it is being reconsidered.

Sen. FERNADINDO: What happened is that I believe there was a mechanical error in the amendment and it would have ended up wiping out the first part of the bill and instead the amendment was to be added onto the bill. This is what we have done today.

Sen. POULSEN: I move the adoption of the amendment as offered by the committee in todays calendar.

Amendment adopted. Ordered to third reading.

SB 32

establishing the criminal offense of "impaired driving." Ought to pass with amendment. Sen. Bradley for the committee.

Sen. BRADLEY: Mr. President, if Sen. Porter was here now, he would be standing to make a motion which I will make. I would like to make this bill a Special Order of Business for Tuesday, April 10, not next week but the following at 1:01. This is a bill which would further decrease the amount or level of blood alcohol which would involve a violation of the law. The present limit or the present amount required for conviction of driving while intoxicated is .10 and that was lowered in the last session of the legislature down from .15.

This bill would create a different type of crime, a lesser crime called impaired driving, which would be .08 and .09 and this is the area where the evidence would indicate where a person is impaired but is not as serious as driving while intoxicated. The bill has been amended in the Committee primarily to remove the peace bond from this bill which is probably going to be removed from the area of driving while intoxicated. The idea was to make it consistent and as I understand from Sen. Porter, there are a number of questions concerning the amendment and concerning perhaps the whole bill and since this has only been published today, Sen. Porter did want to put this off to another day.

Sen. LAMONTAGNE: Can you tell me if the Director of Motor Vehicles and the Colonel of the State Police is in favor of this bill?

Sen. BRADLEY: Colonel Doyen of the State Police, I believe was the only official of the State Government who testified on the bill. He testified that he was in favor of the bill. The original bill, as proposed, was to make the impaired level down to .05 and Colonel Doyen of the State Police felt that was too low and recommended .07, after the committee debated on this and it was agreed by the committee, at least the majority, to make it .08. I don't think there were any other officials from the highway department or the safety department that spoke on the measure.

Sen. LAMONTAGNE: Are you asking for Senatorial courtesy for Sen. Porter?

Sen. BRADLEY: Yes, I guess I am doing that in effect.

Sen. LAMONTAGNE: I just want to say that I was refused Senatorial courtesy last week but I will vote with you today.

Sen. PORTER: I move that SB 32 be made a Special Order of Business for April 10 at 1:01.

Adopted.

HB 230

requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election relative to the same. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, HB 230 was heard by a Senate delegation in Nashua, there were three Senators at the hearing which was held last Monday night in Nashua. The bill provides for two things, first it includes the words "voting machines" in the Nashua city charter, since they have recently adopted voting machines in that city. The second part, which received the majority of attention is related to have a run off election in the event there are only two candidates running for mayor or if no candidate receives a majority. In the event that there is no majority, the board of aldermen, within 30 days after the election, they will have a run off election between the two top vote getters in the city. The Nashua delegation heard this bill about a month ago and Sen. Smith and I heard it last Monday night. The Nashua delegation from the House voted 18 to 2 in favor of the Bill and, of course, it was adopted by the House and the Nashua delegation voted unanimously that it

ought to pass. There were several representatives and citizens at the hearing and some 18 people were there and supported the bill. We feel that if this bill is passed it will go back as a referendum in the next municipal election and we feel it should be passed by the body.

Sen. S. SMITH: In this run off, is the election in Nashua a partisan or a nonpartisan?

Sen. PORTER: It's a nonpartisan election.

Sen. BOSSIE: Could you advise the Senators and the audience as the conditions in the city of Nashua that brought the proposed legislation about?

Sen. PORTER: I indicated, the three Representatives, Rep. Bosivert, Rep. Ethier, and Rep. Rock all indicated that they felt that this was in the best interest of the city. I think there was six or seven candidates in the last election, and the incumbent mayor the last two times has been elected on majority many of the citizens in the town felt that they were not having a choice with only one or two candidates and they felt that a run off would be more effective and they indicated that.

Sen. DOWNING: Senator, this has to be ratified by the voters of Nashua before it is adopted?

Sen. PORTER: Absolutely, the referendum will be in the next election.

Sen. DOWNING: Mr. President, for the ramification of those Senators who were here from the last session, I did represent part of the city of Nashua in the Senate. At that time there was similiar legislation in which I opposed very vigorously and it was defeated that session. I am not opposed to this legislation today, I believe quite strongly that home rule should prevail and I support the Senator from Nashua.

Sen. NIXON: I would like to recognize another guest, the Police Chief, Charles Reynolds of Dover.

Adopted. Ordered to third reading.

HB 228

relative to requirements for renewal of chiropractor's license. Ought to pass. Sen. Gardner for the committee.

Sen. GARDNER: Mr. President, this bill requires chiro-

practitioners annually attend at least one seminar by the board of Chiropractic Examination and to pay \$20 to have his license renewed. Currently there is no requirement for continuing education. Everyone who appeared and spoke on the bill were in favor of it. There were several sheets filled with signatures for approving this legislation and they were presented to the chairman. A Chiropractic Association feels that under the medicare amendments and various things in the federal programs, that continuing education will be required. To my knowledge there was one letter received against the bill and I also had one telephone call against the bill. The committee was unanimous.

Sen. SANBORN: I would like to offer an amendment. The amendment is in the last sentence, to drop the word resident. During the committee, we brought up, as a member of the committee, whether this word resident should be in there or not. The way the line reads, "the requirement of educational seminars shall apply to resident chiropractors practicing in this state." The reason that I feel that the word resident should be dropped is because to me, this leaves a loophole for say, someone in the White River Junction, the chiropractor living there and practicing in say Lebanon, he can come over there and does not have to come underneath this law of requiring the State seminars. So I think this word resident should be dropped and at the time we brought this up at the committee hearing, those who presented testimony agreed that it should be removed and that is why I offer this amendment.

AMENDMENT

Amend RSA 316:17 as inserted by section 1 of the bill by striking out in the last line the word "resident" so that said section is amended and will read as follows:

316:17 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of a fee of twenty dollars. Each applicant shall submit satisfactory evidence of continuing education by annually attending at least one seminar approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire Chiropractic Board of Examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section the applicant shall appear

before said board to show cause why his license should not be suspended. The requirement of educational seminars shall apply to chiropractors practicing in this state.

Adopted. Ordered to third reading.

HB 229

allowing chiropractors to participate in medical service corporations. Ought to pass. Sen. Preston for the committee.

Sen. PRESTON: This bill allows chiropractors to participate in the Medical Service Corporations and adds Chiropractors to the existing statute. This is merely a form of enabling legislation to allow participation under Blue Cross or private insurance agencies. I checked with the insurance commissioner on this and there is no evidence that this would do anything but add another provider for these insurance companies who have a right to either accept or object Chiropractic services. There was unanimous consent that this ought to pass.

Sen. JOHNSON: Is this liable to increase the cost of Blue Cross?

Sen. PRESTON: The Insurance Commission indicated that there was no evidence that adding another provider for services such as this, that it would not increase the cost because the patients would use this other type of service in place of the existing one.

Sen. GARDNER: I am very much in favor of this because a great many of our older citizens who patronize this service and they have no way of getting any help so I am very much in favor of it. I think it would be a big help to them.

Sen. FOLEY: I rise in support of this measure, this is one bill that I have received a great deal of mail about. The Chiropractors in the whole seacoast area would like to see this bill passed and also many of those, and particularly the older citizens, as Sen. Gardner mentioned.

Adopted. Ordered to third reading.

HB 362

to reclassify a certain highway in the town of Whitefield. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this is a request to re-

classify a short stretch of highway in the Whitefield area that goes 1.67 miles to the Whitefield airport. The town some years ago requested the state to reclassify it to a State Highway, Class Two and they were never able to raise the money for their participation so they wish to have it reclassified back and under a classification that they themselves would have the right to dig across it and repair it and so on. There would be no cost or expense to the state.

Adopted. Ordered to third reading.

SB 65

to require that all motor vehicles and trailers operating on the highways be equipped with tires meeting certain safety standards. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President and Member of the Committee. This bill means that all cars will have to have a spare tire and it would have to have a two-thirty second tread, and at the same time, the spare tire will be inspected by the inspection station every six months. At the same time, it is going to give the opportunity for inspectors to look over some of these trunks that are really endangering the lives of people because some of the trunks are rusted right out and therefore it will be necessary to repair these trunks. This spare tire will be inspected twice a year and also trucks with two years will be exempt from carrying a spare tire.

Sen. BRADLEY: Sen. Lamontagne, could you explain what section I of the bill does. It seems to say that the Director may not authorize the inspection of certain tires, I cannot understand what the effect of that section is.

Sen. LAMONTAGNE: The whole bill, in fact, it is referring to only spare tires. Right now we have on the statutes a two-thirty second tread and that is for the tires on a car. That is in the law now, but what we are doing is adding a spare tire.

Sen. PORTER: As I read the bill, on the bottom of the first page, it looks to me like it would require a trailer to carry a spare tire mounted somewhere.

Sen. LAMONTAGNE: That is for trailers, not the ones that have two wheels. The trailers with a single wheel will have to carry a spare tire.

Sen. PORTER: It does not include trailers, or it does include them?

Sen. LAMONTAGNE: They would have to carry a spare tire.

Sen. PORTER: Boat trailers?

Sen. LAMONTAGNE: And boat trailers.

Sen. Trowbridge moved that SB 65 be indefinitely postponed.

Sen. TROWBRIDGE: Mr. President, I know making a motion like this sounds like I am mad, but I do feel that this should be indefinitely postponed and I do feel that a great number of citizens approve of the concept of having tires inspected, having the two-thirty seconds tread on tires on the car. But like me, I think that most people take the ones that wear out and put them in the back and use them as spares once they cannot meet the inspection standards. I don't plan to drive very far on that spare tire, it might be only four miles or so if I have to put a spare tire on myself. So. I really think that we would be posing a burden of our citizens to buy tires far beyond what this bill here might suppose. I for one am not prepared to have every car in the state go out and probably buy a new tire to put in their trunk as a spare, nor am I prepared to have every trailer, as Sen. Porter pointed out, have to rig up a spare tire in the back. I am not going to belabor the point, but that is my position and I will vote that we indefinitely postpone.

Sen. S. SMITH: If I recall, several years ago, there was a law attempting to pass on inspection of tires. The exemption made as I recall, on spare tires relative to the appropriateness of searching trunks and so on and so forth. Do you feel that that action taken at that time was a fairly valid piece of action?

Sen. TROWBRIDGE: As I recall, this is the same issue that we had when we put in the inspection of cars the two thirty second rule and at that time one of the considerations was that you did not attempt to legislate every spare tire in the state and that is why the exception was put in as I recall.

Sen. FOLEY: There must be one reason why you put this bill in. I am wondering if you would explain why you put the bill in?

Sen. LAMONTAGNE: I put the bill in at the request of the Director of Motor Vehicles, Fred Clark.

Mr. President members of the committee. I rise in opposition to the pending motion. The main reason why this is right now, is if you take a tire that is smooth with less than two thirty second tread and you place that tire on your car you are in violation of the law. You can be arrested for operating a motor vehicle with less than two thirty seconds in tread and this is now in the law. The purpose of the spare tire being included, because we had reports before the committee by the Director of Motor Vehicles, Fred Clark, that there has been several accidents caused because the individual did not have a spare tire. The car was jacked up and then another car ran into the back of the car that was stranded without a spare. The spare tire was in the law at one time but because a Senator at one time, who got stopped and did not have a spare tire at that time and this individual got mad and put in a bill to take the spare tire out and it passed. Now the Director of Motor Vehicles feels that it is best for the safety of the general public to have a spare tire. He also pointed out to the committee that at the same time the spare tire was going to be inspected, that the trunks of these cars many times are rusted right through and therefore, the fumes go into the car and therefore causes the individual to fall asleep which is dangerous to other people's lives plus their own. I rise in opposition to this and I hope you will defeat this motion.

Sen. GREEN: I rise in support of the motion as presented by Sen. Trowbridge. I recall when the question came up, at one time there was a law with the same requirements as those tires on the road. I recall the amount of havoc and concern in this area, that the state was requiring them to make sure that their spare tire had the same requirements. There was no opposition to the trunks of the cars being inspected or anything like that. The amount of money involved here to follow through with this request is insurmountable as far as I am concerned. A spare tire is only for an emergency and not for the purpose for being on the road all the time. I do support the present motion on the floor.

Sen. CLAVEAU: I rise in opposition to the pending motion and I am in favor of the committee report. To give you a little

background, up until 1969 the law was that if you had a car inspected the spare tire had to be a safe tire. The committee on Public Works and Transportation added to the bill the elimination of the inspection of spare tires. All this bill does in fact is to include in the inspection the spare tires in automobiles, but in cases of trucks and trailers, if it has interchangeable wheels, the spare tire does not have to be included in the inspection. As for boat trailers, I think it is pretty well understood that it refers to tractor trailers and it is not the intent of the bill to require boat trailers, the intention was tractor trailers and the interchangeable tire does not have to be included in the inspection. Of course, all truck companies will carry a spare tire, this is to make sure that automobiles have a safe tire in their trunk.

Sen. PORTER: Do you mean to say that this bill does not require boat trailers?

Sen. CLAVEAU: The intent of this bill was tractor trailers.

Sen. PRESTON: I move that SB 65 be recommitted to the committee on Public Works and Transportation.

Sen. DOWNING: Mr. President, I rise in support of the pending motion, to recommit it to committee. There are several areas that should give us great concern. Number one, it is required to have a spare tire in the car that is useable regardless of tread depth, the minimum requirement that some sort of a tire be carried in the vehicle. Also it was pointed out that we have had victims of carbon monoxide poisoning in parked cars that could be rusting out in the trunk and that would allow the carbon monoxide to go up inside of the car and people were unaware of this and people died as a result of it. In the annual inspection, the truck should be included in the routine inspection. These are the things that I feel are important and should be included in this bill. Now there are things that perhaps shouldn't be included, fine let the committee work on it. Indefinite postponement is such a final thing, it cannot be brought up again in the session. There is some work that should be done in this area and I ask you to let the committee do it by recommitting the bill. I know the committee will understand your intentions and I urge your support of the motion.

Sen. JACOBSON: Mr. President, I support the motion to recommit for I am against the bill in its present form. I would

like to state that the Sneaky Pete which Senator Claveau spoke of has no origins with me.

Sen. LAMONTAGNE: I have no objections, in fact I support the motion to recommit to committee. There are possibly errors that should be taken out and I think the committee can do it. I will support the motion.

Sen. TROWBRIDGE: I certainly agree and I am in support of the motion to recommit. I would like to say that in that regard, that if the committee takes this back they might deal with the problem of saying that it should have a spare tire and it should have inspections but that the spare tire does not have to come up to the standards of full driving speeds. There must be a middle ground here somewhere where you can use an older tire for the spare which everybody does.

Motion adopted.

(Sen. Spanos in the Chair)

HCR 3

memorializing the Congress of the United States to enact legislation setting February 1, 1955 as the starting date of the Vietnam conflict in order to give reconsideration to all who served in the Vietnam theatre of war. Ought to pass. Sen. Poulsen for the committee.

Sen. POULSEN: This bill changes the date of the start of the Viet Nam War from 1964 backwards to 1955, memorializing the Congress to do this and it will help a certain amount of veterans who were injured or killed during that period. We urge its passage.

Adopted.

HB 304

prohibiting the publication of names of the elderly receiving an exemption from property taxes. Ought to pass. Sen. Downing for the committee.

Sen. DOWNING: I move that the report be accepted. HB 304 merely prohibits the special publications of elderly citizens receiving exemptions quoting to the law. They will still be published in the manner described by law, namely the RSA 742 and it will still be public information. There has been instances where some public officials have for some reason, known only to themselves, but have published special lists to give spe-

cial notice to the fact that certain individuals were receiving exemptions with the law. It was felt that this caused some discomfort and embarrassment and it would in fact prohibit people from taking advantage of the exemptions that were intended for them. This will not in any way interfere with the present law. The exemptions will still be recorded by your tax collectors and the Town Clerks and it will still be public information it just won't be singled out for special listing. I urge your support.

Sen. TROWBRIDGE: I am in full agreement with your bill. I was wondering if your committee got any testimony on the situation I heard about on Town Meeting Day which were the citizens which were over 70 which were exempt from a resident tax. Therefore they were not listed and purposely not published as being residents or not having paid the resident tax and they come in and say I am mad. I am not a resident anymore. Sometimes when you exempt them from publicity it causes more problems than you solve. Did you have any testimony on this?

Sen. DOWNING: No. there was not.

Sen. PORTER: This would not prevent, I assume, the listing of persons receiving the current use of tax exemptions if they chose not to, it would not effect this?

Sen. DOWNING: I don't believe that it applies to that at all.

Sen. BRADLEY: Does the prohibition apply for example, to a newspaper or other media of the press from going in and obtaining this information and putting it in a public list?

Sen. DOWNING: No, this is still a matter of public information and it will be available in municipal office buildings but the town officials themselves will not be able to print special lists or to put in the Town Report. It will still be public information and the newspaper or others could have the information.

Sen. SPANOS: I have just been informed that Governor Thomson is out of the State and that makes Sen. Nixon the Acting Governor of the State of New Hampshire. Under the constitution, when the Governor is out of the State for any reason the President of the Senate becomes the Acting Governor and assumes the capacity of Chief Executive for that

period of time. When he is acting Governor he cannot serve in the Senate to his capacity of President of the Senate and the next rule is that when the President of the Senate is acting as Governor the Vice President of the Senate becomes Senate President and so here I am.

Adopted. Ordered to third reading.

Sen. Porter moved that HJR 42 be taken from the table at the present time.

Sen. PORTER: This HJR 42, which arrived upon our desk today is very difficult for a lot of us to determine exactly how we should act on such short notice and I for one am not very happy to make such a short notice judgment on a resolution. However, it was felt that because of the importance of the resolution that I would at least explain to the body what I have been able to determine relative to it and let all the members make their own judgment. Sens. Preston and Foley will be able to amplify some of this. I called the Governor's office and he was on his way out of the State. I did talk to Mr. Douglas and I received pertinent information relative to this Resolution that I would like to pass on. The reason for the resolution is to provide for the members of the boundary committee which is meeting with a delegation from the State of Maine and two of these members are Bradshaw and Attorney Upton of Fish and Game and the word I got and Sen. Nixon has stated as the working of the resolution was made by Attorney Upton and they feel that this resolution will provide them with better ammunition to resolve this and to help them in their negotiations with the Maine delegation tomorrow.

Apparently the question, which of course we are all aware of is in relation to the current line of certain Fish and Game maps and the State of Maine indicates that they feel this is the proper line. To date, since we so have a boundary commission that has in fact been studying this question for some time say that no official line has never been adopted so far as is known. An endorsed letter of a coast survey indicated to me by Mr. Douglas is that they do not know where the line came from, it was just there and they carried it over the years and it is a curved line and not a straight line which they felt would be more accurate. The conference tomorrow will be trying to establish some legal boundary to bring back before the various

legislators in Maine or New Hampshire for confirmation. This really has become an official expression of what New Hampshire feels relative to this and it is more or less an imaginary line that we have at the present time. The last meeting that was held between the Maine and New Hampshire delegation was left up in the air and no settlement was reached. It was felt that if this was passed by this body today that would provide to our delegation the legislative support in their negotiations and I urge your passage of this House Joint Resolution. I would like to defer at this point to Sen. Preston or Sen. Foley for further amplification.

Sen. FOLEY: Mr. President, Sen. Preston and I have acknowledged that the problem is relative to the boundary line between Maine and New Hampshire and it is indeed a difficult one, especially for the Senators in this area. We have felt that one reason for the problem is that the people who have been dealing with the boundary have not in any way had the knowledge of the problem of the commercial fisherman. These are the men who have really lived with the boundary and know what they are talking about and it has been very difficult for them because they have not been a part of the study. Sen. Preston and I have jointly sponsored being presented, two bills, one to make it mandatory to have a commercial fisherman on the boundary commission and secondly to have a commercial fisherman on the New Hampshire Port Authority. We feel that when these are done some of the problems will hopefully be resolved. We have also included in our bills the fact that perhaps in the future there might be a problem with the Massachusetts boundary and we have included a study of the Massachusetts boundary also. Neither the state of New Hampshire nor the United States Congress or any one of these bodies has determined any kind of a boundary and so I feel that something should be presented tomorrow by the boundary commission, and although it is very short notice both of us agree that this Joint Resolution will help. I deplore the fact that this was just brought in today and we have had no chance to study the terms in it but it will help the New Hampshire people who are presently on the boundary commission and I urge its passage.

Sen. PRESTON: I concur with Sen. Foley's thinking and I appreciate this being taken off the table for consideration. Dick Upton, the chairman of the Fish and Game Commission is on

the Boundary Commission as indicated and he is considered to be most competent in this area. I have confidence in him and I urge the Senators to vote for this to give him a proper negotiation authority so they will have a starting point to discuss definitions of this boundary line.

Sen. BRADLEY: How are we to know whether the state of New Hampshire has in fact or in law in the past agreed or acquired in this particular line?

Sen. PORTER: Would you believe me if I told you that we hadn't.

Sen. BRADLEY: I would if you were older than you are, but you are so young, obviously you wouldn't have the knowledge back as far as this dispute might have existed.

Sen. JACOBSON: Sen. Porter, someone told me that Maine had passed a similar resolution, is that correct?

Sen. PORTER: I am not aware that they have passed a similar resolution. I do know that the Senate leader is sponsoring a bill that extends their shore line to 200 miles and apart from that, I know of no other such similar resolution at this time.

Sen. JACOBSON: My question is then, I am unable to figure out the genuine aid that this will be for the negotiating team. What sort of aid would it be if they had this that they wouldn't have if they don't have it?

Sen. PORTER: I don't have the answer to that Sen. Jacobson. I only know that the members of the commission have requested endorsement and they feel that this will lend quite a bit of weight to their deliberations.

Sen. JACOBSON: When the United States had its treaty negotiations with Canada it resulted as the Webster Treaty. Did they pass a resolution in the United States Congress in the same way that we are doing here in New Hampshire?

Sen. PORTER: I would like to defer that to my History teacher. I can't answer that question and I just hope that I won't get deported back to Maine for voting in favor of this resolution.

Sen. SANBORN: The other day in Concord we saw a press release that the armed forces had been alerted. Had the New

Hampshire Navy been ordered to patrol the New Hampshire waters yet?

Sen. FOLEY: No answer.

Sen. TROWBRIDGE: I plan to vote for this House Joint Resolution 42 because I don't think that it really amounts to very much. Frankly if I did I would probably vote against it. The reason why I am saying this is that I wish to state publicly that I deplore the way that this boundary situation has been handled by Governor Thomson and his staff. We had an incident with a Dover resident and it is a legal matter and I remember the remarks that were made of Governor Curtis of Maine, who I think is quite right when he said that it would have been nice to feel that the Governor of New Hampshire might have some courtesy to come to the Governor of Maine and talk these boundary matters over with his staff prior to making press releases, and sending a letter which as I understand arrived seven days later thanks to the mail and I feel we have created a big tempest here when what should have been sober negotiations, the kind of thing that attorney Upton and Mr. Bradshaw should have to work with in their negotiations and they cannot be expected to be successful when as Senator Sanborn said, bringing out the Navy and mobilizing on our side. I really think that we have become a laughing stock in the whole approach to the problem.

Sen. S. SMITH: I hesitantly rise in support of this motion. I am not as convinced as Senator Trowbridge, that this resolution has great importance. However, with respect to the former president of this senate and also with respect to the chairman of the Fish and Game Commission I will go along with it. I do however, want to state that I will not look favorable upon further resolutions of this type. It is my understanding that not only had the Senate not had a hearing but neither did the House. There was a discussion on the floor of the house which was then slipped through. We are here today in the middle of the session when our resolution was placed on our desk and the Committee Report somehow came out and was placed before us. I cannot help but concur with the comments of Senator Trowbridge but I also again wish to reiterate, strongly reiterate that I do not look favorable upon resolutions without some advertising. This was placed on our desks without having the

consideration of having the Senate give the resolution some firm and thorough consideration. Thank you Mr. President.

Adopted. Ordered to third reading.

Adopted with the necessary 2/3 vote.

(Sen. Green in the Chair)

ANNOUNCEMENTS

Sen. BRADLEY: I would like to pay tribute and wish success to coach Jeff Kosak and his Hanover Marauder Hockey Team who have won the New Hampshire State Hockey Championship and beaten the East Providence, Rhode Island Team in the quarter finals of the New England Hockey championship tournament and will be representing the state of New Hampshire this weekend in the semi-finals.

Sen. SMITH: I arise today as the Chairman of the Senate Education Committee, because I am deeply concerned about the action taken by the State Board of Education when, on March 14, it adopted a policy relative to the revocation of teacher certificates, if a teacher goes out on strike.

The revocation of a teacher certificate, under these circumstances, seems to me a very harsh and inequitable form of punishment, without due process. The defenders of this policy state that, because there is a contract, a teacher cannot walk out. My question is, when is a teacher not under contract, and under what conditions would this teacher be free to strike, under unusual circumstances.

I cannot defend someone striking in violation of a court order, but it only seems right to me that teachers should have the opportunity if they have had, in their estimation, unfair treatment from a School Board.

I believe that it is a very sorry day in the State of New Hampshire when a regulation is passed by the State Board of Education of this type which, in effect, blacklists teachers, not only in New Hampshire but possibly in as much as 35 other states, due to our reciprocity in the granting of teacher certificates.

Blacklisting is something which has been foreign to the American public since the early 1900's, and is the kind of an

action which could be acceptable only in a banana republic, or some form of totalitarian government.

I hope that this Legislature to resolve this problem will look favorably upon proposed legislation which will establish a law on collective bargaining rights for public employees and political subdivisions.

Sen. S. SMITH: Sen. Trowbridge has named Sen. Green and myself to the sub-committee to study the department of Education's budget and we will be meeting with the department of education in the conference room in the department of education on the fourth floor of the Annex next Tuesday morning.

PERSONAL PRIVILEGE

Sen. SPANOS: Mr. President, yesterday the Chairman of the State Board of Education publicly applauded the U. S. Supreme Court's overturning of the *Rodriguez* case in which a Texas Court had announced the principle that the real estate property tax as a basis for supporting public education was unconstitutional in that the children of poorer communities were not being provided the same educational opportunities as the children of more affluent communities.

I am sorry but I cannot share in the Chairman's enthusiasm nor approve the Court's decision. I feel that the Superior Court's 5-4 decision is a kick in the teeth to the poor of our State and Nation, acquiesces in the denial of equal educational opportunities for all of our children, and sanctions a tax structure which is unfair, inequitable and regressive.

It's a recognition that the HAVES shall continue to HAVE and the HAVE-NOTS shall continue to HAVE-NOT. The perpetuation and approval of this philosophy disturbs me and should disturb every citizen of this state and nation who gives a damn about our children, their future and the future of this state and nation.

Sen. JACOBSON: Did the supreme court actually say they were in favor of the continuance of these disparities in the school districts?

Sen. SPANOS: I think that what the Supreme Court actually said is let the state legislatures handle these problems.

Sen. JACOBSON: As I understand the Supreme Court ruling, they went to the question of principle of law, that if we declare that this would be a constitutional right then it would open the door to other kinds of rights, is that not correct?

Sen. SPANOS: I think that they did indicate that it would open the door if the matter of Welfare or what have you, but as a principle of law, I do feel that they were incorrect. I do believe that equal opportunities for education should be within the equal protection clause of the constitution.

Sen. JACOBSON: In the Rodriquez case and particularly the surrounding case, which is an accompanying case from California, it was held that education was a fundamental right of the people. Now, there are other fundamental rights such as food, housing, etc. If that principle is adopted would it not ultimately lead to the question of equal housing and equal incomes?

Sen. SPANOS: That may very well come in our society.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption and that when we adjourn we adjourn until Tuesday in Concord at 1:00 and adjourn with special thanks to Mayor Ambrose Breen, Rev. Joseph Klatka for our prayer, the school administration, the horticultural class for the fine corsages they presented to Sen. Gardner and myself, the culinary class for the fine buffet, the police for saving our parking spaces and to all the students and others who have welcomed us here. It has been a most gratifying and enjoyable experience.

Adopted.

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to put on third reading and final passage at the present time; HB 62, HB 314, HB 230, HB 228, HB 229, HB 362, HB 304, HCR 3, HJR 42 and that we dispense with the reading of the titles and act on the bills as formerly read by the chair.

Adopted.

LATE SESSION

Third reading and final passage

HB 62, relative to the incorporation of a state bank, a trust company or a savings bank.

HB 314, relative to accident and health insurance issued under franchise plan and relative to the expiration date of insurance company licenses.

HB 230, requiring the mayor of the city of Nashua be elected by majority vote and providing of a run-off election relative to the same.

HB 228, relative to requirements for renewal of chiropractor's license.

HB 229, allowing chiropractors to participate in medical service corporations.

HB 362, to reclassify a certain highway in the town of Whitefield.

HCR 3, Memorializing the Congress of the United States to enact legislation setting February 1, 1955 as the starting date of the Vietnam conflict in order to give recognition to all who served in the Vietnam theatre of war.

HB 304, prohibiting the publication of names of the elderly receiving an exemption from property taxes.

HJR 42, relative to the marine boundary between Maine and New Hampshire.

Adopted.

Sen. Johnson moved the Senate adjourn at 3:30 p.m.

Tuesday, 27Mar73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh God, hear us as we begin a new week together.

May the needs of the people of our great State be really understood, and fully appreciated, as we in our several ways of difference and opinions, try with Thy help, to do those things which shall be for the benefit of all.

We humbly ask Thy blessing. Amen.

Pledge of Allegiance was led by the Hon. Ernest R. Coutermarsh, House Minority Leader, Miss Heidi Scott and Miss Wendy Nixon.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 105, relative to interest and service charges on overdue accounts. (Jacobson of Dist. 7 — To Banks, Insurance and Claims.)

SB 106, relative to the use of voting machines. (Bossie of Dist. 20 — To Executive Departments, Municipal and County Governments.)

SB 107, providing full creditation for teacher members of group I under the New Hampshire retirement system and making an appropriation therefor. (Foley of Dist. 24; Downing of Dist. 22; Smith of Dist. 3 — To Education.)

SB 108, relative to giving citizens standing to sue in environmental protection actions. (Trowbridge of Dist. 11 — To Judiciary.)

SB 109, providing for the calculation of average final compensation over three years for teacher members of group I under the New Hampshire Retirement System. (Foley of Dist. 24; Nixon of Dist. 9 — To Education.)

SB 110, relative to service retirement benefits under the New Hampshire Retirement System. (Foley of Dist. 24; Nixon of Dist. 9 — To Education.)

SB 111, providing for the merger of the New Hampshire Teachers' Retirement System into the New Hampshire Retirement System and the protection of the benefits of all persons affected thereby. (Foley of Dist. 24; Nixon of Dist. 9; Downing of Dist. 22 — To Education.)

SJR 8, relative to retirement credit for Mary S. Downey. (Ferdinando of Dist. 16 — To Education.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 342, relative to liability for support for relatives. Judiciary.

HB 364, to abolish artificial and unrealistic limitation on recovery for wrongful deaths in New Hampshire. Judiciary.

HB 446, relative to support of relatives. Judiciary.

HB 441, relative to the inspection of homes for neglected children and adoption procedures. Public Health, Welfare and State Institutions.

HB 442, relative to the age of children in a child caring agency. Public Health, Welfare and State Institutions.

HB 323, relative to the right to know law. Judiciary.

HB 265, relative to the commitment of children to the industrial school for an offense. Judiciary.

HB 222, requiring druggist to post a list of prescription drug prices. Public Health, Welfare and State Institutions.

HOUSE ADOPTION OF COMMITTEE OF
CONFERENCE RECOMMENDATION ON

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the State of New Hampshire.

HOUSE ADOPTION OF JOINT RULES

The House of Representatives has adopted the following joint rules for the 1973 session. Referred to Rules and Resolutions.

ENROLLED BILLS REPORT

HB 9, to provide for the adoption of absentee voting at certain town, village district and school district annual elections.

HJR 42, relative to the marine boundary between Maine and New Hampshire.

Sen. Provost
For The Committee

Introduction of Senate Resolution by Sen. Foley.

SENATE RESOLUTION

Whereas, Recent reports show an alarming increase in the cost of such family necessities as food and drug items;

Whereas, Energy crisis is resulting in daily threats of two to threefold increases in natural gas prices; heating oil prices are already up 2c-3c per gallon; gasoline rationing is threatened or the possibility of doubled gasoline prices;

Whereas, The New Hampshire consumer suffers increased frustration at his inability to control spiraling inflation;

Be It Resolved That it is the sense of the New Hampshire Senate that a Senate investigation be initiated to study the specific effects of the current high cost of living on the New Hampshire consumer, with the hopes of determining ways this State can bring relief to the hard-pressed consumer.

Referred to Rules and Resolutions.

Introduction of Benjamin C. Adams, Commissioner of Employment Security who spoke on the functions of his department.

DEPARTMENT OF EMPLOYMENT SECURITY

The DES operates the unemployment compensation and employment service programs in the State, providing service through 10 area offices. Its administrative office is located at 32 So. Main St., Concord. Area offices are located in Berlin, Claremont, Concord, Dover, Keene, Laconia, Littleton, Manchester, Nashua and Portsmouth. In addition, one-day-a-week service is provided in 16 other towns or cities.

The department receives grants from the U. S. Department of Labor for the administration of the employment security program. No state appropriation is required. The department's Fiscal Year '73 budget, approved by the Department of Labor's Manpower Administration, is the amount of \$3,508,790, covering 315 positions. We are currently in the process of negotiating with the Department of Labor for the Fiscal Year '74 budget. It appears at this time that our operating funds will be reduced by approximately \$600,000, which will require about 45

fewer positions. The budget is not static but will be changed from time to time, especially as it relates to the administration of the unemployment compensation program, where "contingency" financing is a basic principle (i.e. the work force fluctuates with the volume of unemployment and claims for benefits). In addition, through supplemental budgets for special programs both the amount of money and the scope of activities may be decreased or increased.

The department operates through two bureaus: employment service and unemployment compensation. These are established under RSA 282:9. Through arrangements with the Secretary of Labor, the department also administers certain Manpower Training programs principally under the Manpower Development and Training Act of 1962 (as amended), a federal law. These training programs are separately funded but are completely integrated into the employment service bureau's operations.

Employment Service — There has been a public employment service in existence in New Hampshire since the early thirties. In the early years it functioned to channel unemployed workers into public works and other relief programs. Over the years the employment service has developed into a full functioning labor exchange providing a wide range of placement, counseling, aptitude testing and other employment services. Occupational training under MDTA has served to redirect several thousand workers into new kinds of employment.

The employment service plan of service for FY 1973 envisions serving about 85,000 individuals, including providing training for 450 persons; counseling services for 9,000; aptitude testing for 3,300 and placing 15,000 in jobs. Approximately 136 employees will be engaged in employment service programs.

Unemployment Compensation — The unemployment compensation bureau collects the tax on employment required under RSA 282, and administers the unemployment benefits program. In calendar 1972 the tax on employment collected was approximately 9 million dollars and the benefits paid were approximately 14 million dollars. Following three years of abnormally high unemployment the volume of claims for benefits will be down somewhat for FY 1973. While the tax functions of the UC Bureau require a fairly stable work force, the benefit

payment operations are subject to seasonal as well as cyclical fluctuations. The budgeting system through the use of "intermittent" workers, called in as necessary to supplement full time base staff, makes it possible to operate effectively through this fluctuation in work loads. The budget calls for 179 "man years" of service in the UC program.

The UC Bureau also acts as agent for the Federal government in the administration of two programs of unemployment compensation for Federal Employees and for Ex-Servicemen. These are relatively small programs, with the work completely integrated into the regular benefit program.

Employment Service Bureau — The employment service bureau is in the process of further automating its placement services through a state-wide "Job Bank." All job openings (employer orders) will be available in each local office on a timely basis. Employers will be able to place their orders for workers through a central order-taking point. Job openings throughout the state will be available to all applicants, through the use of microfiche readers.

Installation of the automated Job Bank will coincide with a major reorientation of employment services to obtain a greater share of job openings from employers. Since the mid-sixties, the Manpower Administration's diversion of resources to servicing the disadvantaged, minority groups and other special groups, has resulted in a pronounced decrease in voluntary listing of job openings and rather obvious loss of acceptance of the employment service by employers.

Somewhat belatedly, it has been recognized by those who allocate employment security funds, that we cannot effectively serve any group without cooperation and acceptance from employers.

Unemployment Compensation Bureau — The UC Bureau has just gone through a period of change resulting from Federal legislation (PL 91-373) which effectively required the states to amend the coverage provisions of their UC Laws. The changes in New Hampshire resulted in an increase of nearly 100% in the number of employers covered by unemployment compensation. The extra work of registering these 8000+ employers began about one year ago. The work went smoothly and was carried out within the planned time schedules.

UC operations are being computerized as rapidly as possible. The benefit payment program was the first major UC operation to go onto the computer. This was done in time to handle the very high claims of 1971-72. Tax accounting is in the process of conversion to computer.

Work of the Advisory Council — The unemployment compensation program in New Hampshire is constantly under study and review by an Unemployment Compensation Advisory Council composed of three members representing management, three members representing labor, and a chairman representing the public. A continuous study leading to improvements in benefits and a continuous updating of the rules and regulations is always underway. Prior to each session of the Legislature a package of legislation is recommended to the Legislature for its adoption. This has come to be known over the years as "The Agreed Bill." I assure you that a lot of thought and consideration to all facets of the employment security program has been devoted to this operation. As in all kinds of legislative activity, the product is obviously a compromise between the parties most affected by legislation.

Research and Analysis Operations — There is also in the DES a research section who, because they have access to all payroll data, is able to produce for use of the department as well as other State departments very pertinent figures concerning such things as average weekly pay for different occupations, labor force figures by different areas in the State, and other data which is highly useful in planning the economic future of the State.

Special Revenue Sharing — At this point in time there is every indication that the Federal government intends to embark on a special revenue sharing operation which will affect the State operation of various manpower training programs. In the past all training programs have been operated by direct grants from the Federal government. As I understand it, it is contemplated that in the future, possibly as early as July 1, 1973, these monies will come to the states under some kind of special revenue sharing block grants directly to the Governor who may assign the actual operation of the programs to any State department. It is also contemplated that more latitude will be granted in the manner of operation and types of training to be conducted.

Sen. FERDINANDO: Commissioner, you said that the tax revenue is 9 million dollars and the payments were 14 million dollars?

Comm. ADAMS: And that is correct.

Sen. FERDINANDO: Who makes up the difference? Does the Federal Government make up the difference?

Comm. ADAMS: No, we have in the federal treasury so-called unemployment compensation funds which can only be used for the payment of unemployment compensation benefits. Of course, even though it might be '72 we paid out more than we took in in taxes. In most years, we take in more in taxes than we pay out in benefits. At least that has been true so far. So when we have an access year that money goes into the fund of the U.S. treasury and it is available continuously for the purpose of benefit payments.

Sen. DOWNING: Commissioner, in figuring the rate of unemployment in the State at any given time, how do the people on the southern border who work primarily in Massachusetts and when they're unemployed they would report to the agency in Massachusetts. Do they figure at all into the statistics of the State of New Hampshire?

Comm. ADAMS: Well, Senator, I'm not a statistical expert, but those factors that you have mentioned and taken into account by all states, and the formula that has been developed by the Federal Bureau of Labor Statistics for the use of all states and it's obvious that if you're going to have comparative figures that mean anything, every state will have to use the same formula to arrive at a comparable figure so that you can compare the economic position such as the New Hampshire and New York and any other state. So, the answer to your question is yes, those conditions that you describe with all those people living in the southern border towns and working in Massachusetts or working somewhere else, I would state that they are taken under consideration and figure in the unemployment rate.

Sen. POULSEN: Could you tell me what your starting rate is for a new employer now as compared with five years ago?

Comm. ADAMS: Well, Senator, it's a little lower than it was five years ago, because of the so-called fund-balance fact. The starting rate is 2.7 percent to pay to the state, quarterly on the

first \$4,200 in wages as you pay each employee. But, the actual rate is 2.2 percent because of a so-called excess fund-balance figure. The starting rate is 2.7 percent to pay to the state quarterly, on the first 4,200 in wages as you pay each employee. But the actual rate is 2.2% because of a so-called excess fund-balance figure. All tax rates are given, if I can use that word, so to preserve, so to make up the unemployment compensation fund when there are heavy drains on the fund and not allow the funds to get too high upon the load if it is low. These are built in tax changes in the law.

Sen. BROWN: Commissioner, this rate that you spoke of, the 2.7 does this fluctuate from year to year from companies and if so what is the reason for this fluctuation?

Comm. ADAMS: We in accordance with all other states, Senator, have a merit rating program and the tax is based on the formula of the principle, the ratio of the benefits paid chargeable to their account, versus their accumulated taxes paid since the beginning they came in business. You can get a most favorable rate by not having any charges for certain types of unemployment interest rates. You won't get it immediately you have to by experience do without a favorable tax rate. Your effective tax rate varies from .0775% to a maximum of 4% if you have had extremely sad experiences.

Sen. DOWNING: Commissioner there seems to be a growing sympathy for dependency allowance to be worked into the payment schedule. I wonder if you could give us some of the feelings the advisory council or yourself might have on this?

Comm. Adams: The advisory council, as I am sure you can suspect, is split right down the middle on the question of dependency allowances. Those who represent labor of course are in favor of the dependency allowances and those who have to pay the bill, namely the employers are opposed to it. I have to say that I am inclined to oppose dependency allowance not for the reason either of those two parties favor or oppose it. I think probably the best example I can give you is the neighbors to the North the Dominion of Canada runs a nationwide system of unemployment compensation. They went to a system that just pays and pays and pays with very few restraints on it and it became very near, and most observers will tell you that the Trudeau Government got into serious trouble because in times

of high unemployment 8 and 9% even, employers were still unable to get anybody to go to work. There were a great many vacancies. I don't know whether it is true or not but both sides agree that the reasons appeared to be the overliberal compensation policies of the government. It is reasonable to say that the dependency allowances do this; we in New Hampshire are trying to keep our benefit structure as high as possible for everybody. The federal government recommends that every pilot get at least 50% of his average weekly pay in unemployment compensation benefits when he is unemployed and that the maximum benefit amount payable be $66\frac{2}{3}\%$ of the average weekly wage of the state. Now the advisory council and myself as administrator we have striven for the last eight or ten years to get to these levels. We have seen the 50% pass and we are approximately 62 or 3 percent of the 66 and $\frac{2}{3}\%$. We believe that to continue to provide motivation for persons going out and looking for new work that there must be some reasonable spread between take home and unemployment compensation. And though that is a very long answer to your question Senator, but it is a fairly complex subject.

Sen. JACOBSON: Comm. Adams, in the A.D. Little report it makes mention of what you made mention of the distinction of the employment services and that of unemployment compensation and they argued that there is some kind of rigid distinction made at the field offices and I don't understand that. Could you explain that distinction that is being made?

Comm. ADAMS: I am not sure I understand your question, Senator. The distinction between what and what?

Sen. JACOBSON: Well, I will read the statement. It says, "eliminate the rigid distinction between employment services and unemployment compensation of the field offices."

Comm. ADAMS: I understand it now. Several years ago the Department of Labor decided that it was in the best interests of both claimants and public to separate physically the unemployment insurance division and the employment services. We went into the Department of Employment Security in New Hampshire and we went the route of structural separation. In other words we had line authority from the Commissioner down through two different tracks to the structures in the local offices. We did not think it successful. I would agree with the A. D.

Little Report that it was a mistake to go this route but we did because by and large we do what the people who are supplying the money tell you to do and the Department of Labor, four or five years ago, was adamant in their position that we at least go this far.

RECESS

OUT OF RECESS

Presentation to Rev. Fischer by Sens. Spanos and Foley.

(Sens. Spanos and Foley at Podium)

Sen. FOLEY: Mr. President and members of the Senate. Through the efforts of U. S. Senator Thomas McIntyre we have received a volume of prayers that have been offered by the chaplain of the Senate of the United States, Rev. Edward L. R. Elson and it is a beautiful volume and it says to the Rev. Dr. Vincent Fischer, Chaplain New Hampshire Senate, with every good wish and prayer Rev. Edward L. R. Elson and it is with a great deal of pleasure that the minority present this to Father Fischer with our good wishes and with thanks for the great job he is doing as a member of the Senate as Chaplain.

Rev. Fischer: I do the best I can and I feel a certain sense of humility because I have read a lot of Peter Marshall's prayers when he was chaplain of the Senate and I am sure that this will help me a little bit in sort of promulgating the work of the Lord.

SUSPENSION OF RULES

Sen. POULSEN: I move that the rules of the Senate be so far suspended as to permit consideration of SCR 5 without referring it first to committee.

Adopted.

SENATE CONCURRENCE RESOLUTION NO. 5

Whereas, differences still exist between the House and the Senate concerning the adoption of joint rules; and

Whereas, the Senate is in agreement that the procedures in the joint rules, recommended by the Joint Rules Committee and adopted by the House last week, have not been sufficiently brought to the attention of individual House members; and

Whereas, it would be in the best interests of members of both the House and the Senate to discuss said provisions of the rules in a frank and open manner before all members of both houses; therefore be it

Resolved, that the N.H. Senate, the House of Representatives concurring, hereby propose a joint convention of the House and Senate for the purpose of providing effective and responsive joint rules by which to work together for the remainder of the Session.

Sen. JACOBSON: What are the issues at stake?

Sen. POULSEN: The time as much as anything Sen. Jacobson. The time of bills from the House to the Senate for one thing. There are many others but I will defer to another on the committee who are more versed than I am. I will defer to Sen. Downing.

Sen. JACOBSON: My question is the bringing out of this in the public, does that help the negotiations or hinder it?

Sen. DOWNING: I would say that it would probably expedite the objections of the negotiations Senator.

Sen. JACOBSON: Is it because some members of the House and or the Senate are in the dark about it?

Sen. DOWNING: I feel that probably relative to Joint rules as any other rules, most members are in the dark and kind of go on the recommendation Senator, and in this instance maybe all members ought to be informed of the objectives and have a little more to say in the matter.

Sen. JACOBSON: You don't think that there will be any prospects that this will be interpreted as intimidation?

Sen. DOWNING: I don't think so Senator. I would certainly pray not.

Adopted.

Presentation of report from Senate Finance Committee to the New Hampshire Senate by Sen. Trowbridge.

Sen. TROWBRIDGE: I would just like to start by saying that this report is being given at the direction of Senate President David Nixon who asked me last week if we could do it.

Luckily as I announced last week the Finance Committee had started its research on budgetary matters way back in the first week of the session, otherwise we could never have made the deadline. Also, the reason we could make the deadline quite frankly, is because we are very fortunate to have on our staff as the legislative budget assistant's office, Charlie Carr and Marilyn Foster who worked like beavers on this report and I think deserve the credit that they know is due them. I think it is very important to be quite careful as to what this report covers and what it does not. You heard Commissioner Adams mention today the possibility of some other revenue sharing act for Manpower Associates. Almost every time we open up a piece of paper or hear some other reports, someone mentions another possible revenue sharing plan or cut back. We have attempted to narrow the scope of this report to what is what we consider realistic and not something that falls in the future. I think we all must remember that there is a tremendous maze of Federal programs in the state of New Hampshire that tracking this we had a hearing with Commissioner Zeiller of Health and Welfare this morning and even he, and his staff, get to a point where they have to sit back and think for about two minutes and say which program is that and where did it come from because they are operating on old resolutions and continuing resolutions back to '71 really is a maze. I would like to read the report.

REPORT FROM SENATE FINANCE COMMITTEE
to the
NEW HAMPSHIRE SENATE

Re: Impact of the Federal Budget Crisis on the Budget for the State of New Hampshire for fiscal year 1974.

I. INTRODUCTION:

This report is being submitted as the first step in the efforts by your Senate Finance Committee to expose the problem being proposed by federal budget cut-backs in order that the Senate will be able to know the scope of the problem being faced by your Finance Committee and the possible implications thereof.

It should be made clear from the start that this is only the first step in a process which will continue right down until July 1, 1973 and that this report will be updated as often as is nec-

essary and useful. It should also be noted that we are only dealing with the next fiscal year (Fiscal 74) because there will be ample time to adjust for Fiscal 1975 when we know more.

II. PROBLEM AND DEFINITIONS:

In February of 1973, the Senate Finance Committee sent each Senator a copy of a National Legislators' Conference Report on President Nixon's budget proposals. That report listed all the programs (113 in number) that were slated for termination or reduction. It is necessary to adopt a new budget vocabulary in order to make sure that everyone is talking in the same terms. For the purposes of this report, the following definitions shall be used:

a. "Impoundment" of federal funds means those funds which, although appropriated and available to the Executive Branch, have been held back and not spent. A prime example of impoundment is the Water Pollution funds which were passed over the Presidential veto but which still have not been totally allocated to the states.

b. "Elimination" or "recision" shall mean those on-going federal programs which are being entirely eliminated under the Nixon proposal. The prime example of elimination is the complete termination of the Office of Economic Opportunity.

c. "Re-programming" shall mean on-going federal programs which are being changed in such a way by Executive action that the funds can no longer be spent for their former purpose. A prime example of re-programming is the new restriction being placed on Health and Welfare IV-a funds where some of the 9 million dollars available to New Hampshire, may no longer be matched with donated funds to support programs we have in Mental Health, Vocational Rehabilitation and the like.

d. "Funds in Jeopardy" shall mean any federal funds which fall into the categories of a, b and c above.

Defining the problem then is relatively simple.

How many dollars of federal funds which have been anticipated as being available for our state budget either by the Governor or by the various departments for fiscal year 1974 to provide funding for programs which, under normal circum-

stances, would be continued in our state budget have been placed "in jeopardy" by having been announced to be in a category of impoundment or rescission, elimination, and re-programming as defined above.

Funds which have been placed in jeopardy which were never a part of the state budget (i.e., special grants for research at the University) are not the subject of our concern here because if they are eliminated, there is no on-going program affected. It is the impact of the federal budget on our state budget that is our concern. As a by-product of this study, however, we can estimate some of the local dollars which have been placed in jeopardy and will curtail programs that are available to or benefit local communities.

III. STATE BUDGET FUNDS IN JEOPARDY:

The following listed figures were compiled by the Legislative Budget Assistant's office from information supplied by the departments involved:

Department of Education:	
Administrative funds	\$502,400
Health and Welfare:	
N. H. Home for the Elderly	\$6,051
N. H. Hospital	76,100
Division of Welfare	1,139,000
	<hr/>
Office of Economic Opportunity	184,600
Resources and Economic	
Development	27,000
State Library —	
Community Services	519,000
	<hr/>
	\$2,454,151

IV. LOCAL PROGRAM OR BUDGET FUNDS IN JEOPARDY:

Department of Education	\$2,130,000
Health and Welfare:	
Community Mental Health Services	\$1,300,000

Division of Welfare:

Local programs matched with donated funds	4,500,000	5,800,000
	<hr/>	
Water Pollution Control Commission		24,900,000
		<hr/>
		\$32,830,000

V. REVENUE SHARING OFFSETS:

Offsetting the amounts of funds in jeopardy for the state budget are anticipated revenue sharing funds of \$5.6 million for fiscal 1974. Similarly, the local communities will expect to receive a total of \$11.2 million in Revenue Sharing funds. These funds may be increased or decreased but for purposes of this report, we will assume they are stable. A further report of how these communities spent their 1972 Revenue Sharing Funds is being prepared by Senate Finance for early release.

VI. CONCLUSION:

The total amount of funds in jeopardy which affect the state budget amounts to \$2.5 million. In our opinion this would be the worst situation that could occur, and, on the revenue side, these amounts are offset by anticipated revenue sharing of \$5.6 million. It appears possible to the Committee that the Nixon administration is using these threatened impoundments or recisions, eliminations and re-programming tactics in order to convince the Congress to go ahead with a broader revenue sharing plan. Not all of these funds which are in jeopardy are going to remain in jeopardy forever but they might be unavailable, for one reason or another, for a given period of time during Fiscal 1974 while the power struggle continues in Washington. The federal government is operating under a continuing resolution and until the new Nixon budget is accepted or passed, that continuing resolution will remain as the authorized level of spending (subject to impoundment).

As to local communities, they are being harder hit to the extent of their social programs. The Water Pollution impoundments are fairly well known and are not stalling any presently approved project. Frankly, we believe these will be available over the long term to fill out the business cycle.

As to the IV-a funds of \$4,500,000, these are federal funds

which used to be matched by private donations. They cover day care, aid to the elderly, mental retardation and juvenile work. The new regulations say that the 25% local match must be new tax funds. However, SB 1220 has been filed with a large list of sponsors to reverse this HEW ruling and so these programs could be reinstated because a great many worthwhile programs are dependent on these IV-a funds. The Community Mental Health services involves \$100,000 impoundment for construction, and the remainder is for staffing grants which was to be used largely for the Manchester and the North Country projects have been eliminated.

Thus our communities are in greater jeopardy than is the state budget. However, there is a proposal for a community development revenue sharing fund in the Nixon budget to go into effect before July 1, 1973 and some of OEO is being transferred elsewhere.

But this report is designed to show the worst or highest impact on our state and local budgets. In summary, our state budget, if it lost all federal funds in jeopardy as of July 1, 1973 could survive. Our local communities would lose valuable programs but, precisely because they are so valuable, action will be taken. If Federal action is not accomplished by July 1, 1973, then it may be incumbent upon the State to use its resources to continue as much of these programs as is needed to carry them over until other federal funding appears on the scene.

We must not lose our financial cool and the forthcoming White House Conference should help in getting some understanding between State and Federal officials on this matter.

Respectfully submitted,
Sen. Trowbridge, Chairman
Senate Finance Committee.

The CHAIR: Thank you very much Sen. Trowbridge for that enlightening report and the Chair in that respect might now announce for the record in the Journal that he has appointed and designated Sen. Trowbridge and with the concurrence of Senate Minority Senator Robert Preston to represent the state as far as they can by attending the White House Conference on the subject of impoundment of federal funds which will be in Washington, including a briefing at the White House on March 30, and 31st and they will be going there and will be

reporting back to the Senate hopefully the following week. Are there any questions of Sen. Trowbridge at this time?

Sen. SPANOS: My congratulations on the preliminary report Sen. Trowbridge. It has been very informative and valuable to all of us and I am a member of the Finance committee so the question I am going to ask you, I am not attempting to dissociate myself with your effort, but this is my question. I am somewhat disturbed with the tenor of the report. In the report you indicated that 2.5 million of state funds are in jeopardy in 1974 and 32.8 million for towns and cities are in jeopardy for fiscal '74. You have heard us say in the report that it is the impact of the federal budget on our state budget that is our concern and it appears that the towns and cities losses are secondary. My question is twofold. One, is this the philosophy you are asking the Senate to support or is it not our responsibility to consider with the same weight, the financial impact on the municipalities in case of loss of funds and plan to meet those problems and if it is the former, isn't this philosophy wrong and second if it is the latter, aren't you misinterpreting the extent of the loss and the impact on the towns and cities?

Sen. TROWBRIDGE: Thank the good Lord it is not the former, it is the latter. I am sorry that the report was sort of written sort of on the phone, back and forth to Concord, so I apologize if it doesn't carry the full expression of the English language which I would like it to contain. What I am trying to say is that it is a state concern that we are worried about and not some of the broader aspects as far as what will happen to the University budget programs that aren't there now that could be there. I am trying to narrow it to what is our concerns, and I set it up as being state budget one of our concerns and impact to local communities as being an equal concern and it should be thought in that light that I have separated out what is pure state budget from the locals so that we can see them. I have gotten confused recently by having them combined, so I would say from my point of view as the writer of this report that I am equally concerned with the impact on the local communities and hence my recommendation at the end, that if we get to June 30 and were O.K., but the communities are not, maybe we have to come up with a scheme or a way we can pre-finance the communities to hold them over until this resolves. Hopefully at the White House one of the things we would want to

have considered would be a resolution of all the people responsible for making the budget for state, that the Federal Government give us the courtesy that a landlord has to give a tenant, so that you would give 90 days notice for something that you are going to cut everything and that everything doesn't come like Cinderella at midnight. We should be given some chance to adjust to whatever the new tools are going to be. I don't think we would have too much trouble passing such a resolution. That's the sort of thing that I hope we get.

Sen. SPANOS: So actually, Sen. Trowbridge, the impact of your report, is it really saying to the people outside that we are concerned about the loss of 2.8 million? We are actually concerning ourselves with the loss of something around possibly 35 million for our fiscal, per biennium.

Sen. TROWBRIDGE: For the year. If I had to do it again I would also say that I am less concerned because I think we know what is going on with the 24.9 million of the Water Pollution funds which I think we now know that that is being played in a different way. But I am very very concerned about the community local impact of the 4-A funds.

Sen. POULSEN: There seems to be no mention of counties in this. Will the counties be effected in the same way. In other words, will there be a grab for their revenue sharing money to replace monies that the state didn't get and will now look to the counties for?

Sen. TROWBRIDGE: I am glad you mentioned that. That's another source of revenue I haven't thought of tapping. I don't right here, Sen. Poulsen, I am trying to think — I don't think the counties are involved either way. except my county, The New Hope School has some county money behind it. I don't know how many of your social agencies do have county money behind it. If they did, they would be effected. If they didn't, they wouldn't be.

Sen. PRESTON: Sen. Trowbridge, as you are well aware, some of the cities and towns are concerned about on-going projects and you stated that in regards to Water Pollution and Control Commission funds, 24.9 million, that in '74 it will probably not effect on-going planned projects. Is that your own opinion or have you made some inquiries on that?

Sen. TROWBRIDGE: Yes, Mr. Metcalf of the Water Pollution Commission in trying to evaluate them, they have some money left over that they haven't spent in '73 and are trying to evaluate what would come on stream, authorized on bond issues and start construction in '74 that by juggling the funds they probably wouldn't hold up any municipal program in '74. Eventually it is going to catch up with them. No question. I am talking just about fiscal '74 which is a rather narrow way to look at it I will have to admit.

Sen. LAMONTAGNE: Do you feel that there is enough funds in the state as far as contributions of these projects like the one in the Androscoggin River and also the one in Manchester for this 1974?

Sen. TROWBRIDGE: I would have to get out my tables. There is a table of that and I have that in the office and I would be happy to answer that to you in the office. I would be out on thin ice if I were to say everything is covered.

Sen. LAMONTAGNE: I would appreciate it if it could be made available because as you know we are facing a problem on the Androscoggin River.

Sen. TROWBRIDGE: Right. I would be happy to, I think that would be a good thing. I will bring out the water pollution thing and supply it to the Senator as to what the programs are, when and how it works.

Sen. JACOBSON: Yes Senator, I want to express my thanks for the report. You seem to express some kind of optimism that possibly some of these jeopardized funds could be reinstated in November. My question then is, is there any way in which we can budgetarily anticipate that possibility, since as I understand it if we do not put it in the budget, it cannot be spent.

Sen. TROWBRIDGE: You have hit the \$64,000.00 question. That is what we are going to be spending a good deal of time on and we will want your thoughts and everybody's thoughts on, that is precisely the problem. If we get to July 1 and we haven't budgeted most of the budget subject to federal funding and if the federal funds doesn't, then the state appropriation goes down the same amount and that wipes out the program. We can't take that risk, I don't believe, just having it

arbitrarily thrown at them. Let's take the library services, or bookmobile. That has been around for a long time and I think a great many of our libraries depend on it, people depend on it, it is a good program. Well, it is \$225,000.00 of Federal funds being anticipated in Governor Thomson's budget right now. If we pass the budget that way and if the Federal funds don't come than the whole bookmobile would go out. I think that we have to say that if this occurs we can draw upon or borrow or reallocate funds somehow, to keep the thing alive so that the whole bookmobile project doesn't completely disperse and then in November come back again. That is the problem.

Sen. JACOBSON: This is for purposes of clarification. You were talking about the relationship of donated funds and the response of the Federal government in some percentage formula and as I got what you said, which is not in your text, that if this were appropriated by tax money rather than by donations, the funds would come. Is that correct?

Sen. TROWBRIDGE: That is what I understand. Yes, Senator.

Sen. JACOBSON: Could you divide the actual citation for that. Not now but . . .

Sen. TROWBRIDGE: Yes. That citation is not a citation. The only thing it is, is the new regulation of Health and Welfare. It is not even a law.

Sen. JACOBSON: Now you were discussing the special grant that goes to the University, that goes directly to the University. Now, it is my understanding and I caught from you that there are not people in these programs, but that there are programs that there are people in now. Could it not be possible that these programs, in order to preserve or conserve the professor who is involved in terms of the University relationship that they could come back and say to us in this situation, could we be funded for these until these are released. Is that not a possibility?

Sen. TROWBRIDGE: Well, I went through the list pretty carefully. It was fairly well documented to me that there weren't too many of those. If they come back now and say, now we need it, then I would give it inadequate information.

Sen. JACOBSON: So that in fact it has been made clear to you that there is no people problem.

Sen. TROWBRIDGE: That is my understanding, sir.

Sen. JACOBSON: You mentioned the Department of Education and you identified 38 people, in the Department of Education. Now if these funds are not made available, these people cannot be employed is that your conclusion or what?

Sen. TROWBRIDGE: Well, either we have to pick up the tab — these are things like the educational professional development's \$23,918.00 there, it is an on-going program, fully funded by the federal government. No state monies there.

Sen. LAMONTAGNE: Could you tell us whether there is any cutbacks in Public Works as far as Federal funding?

Sen. TROWBRIDGE: Not that I know of. We have asked that department and the department says no cutback at this time. Again we are depending on the information we have received.

Sen. FOLEY: Mr. President under constitutional law cities and towns are only creatures of the state and cannot act in any way without state authority. These cities and towns are being deprived of the Federal funds in the amount of 32.8 million dollars. They have no power to devise new methods of providing alternatives methods of revenue without going through the state Legislature and I request that we allow them to do it. July 1st we will be adjourned and property taxes will be their only answer. We cannot take the plight of these cities and towns lightly nor ignore them. It appears to me to be a truly devastating position.

The CHAIR: The chair wishes on behalf of the Senate to commend the Senate Finance Committee, its able chairman and also his real chairmen Charlie Connor and Marilyn Foster for the work that they have put together in this last week and a half or two to give us the information which just now was provided. And again the Chair looks forward to further application of these materials and their significance and impact on the New Hampshire economy and state and local government as well as the session winds its way into a fatigued close.

COMMITTEE REPORTS

SB 11

providing for annual summary fiscal reports. Ought to pass with amendment. Sen. Provost for the Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fiscal Reports. Amend RSA 8 by inserting after section 13-a the following new section:

8-13-b Summary Fiscal Reports. The director of accounts shall prepare within one hundred and twenty days after the end of each fiscal year a summary report of the financial status of the state as a whole and of each state agency and department. This report shall be published, at the expense of the state, in readable and understandable pamphlet form and shall be distributed to the state officers and bodies as provided in RSA 20:11. In addition, the report shall be made available to the public upon request through the governor's office. The report shall include a comparison of the current fiscal year surplus or deficit of the state as a whole and of each department and agency with respect to the preceding five fiscal years. The cover of such report shall summarize in outline form the information contained in the report.

2 Effective Date. This act shall take effect June 30, 1973.

Sen. PROVOST: I move that the Senate adopt the committee report ought to pass with amendment. What this bill says is that the director of accounts shall prepare after the end of each fiscal year a report of the financial status of the state and also of each state agency. Also this report shall be made available to the public upon request through the Governor's office. The amendment is changing the report time limit from 60 days to 120 days after the close of the fiscal year.

Adopted. Ordered to third reading.

SB 79

appropriating certain funds held in escrow by the department of resources and economic development. Ought to pass. Sen. Provost for the Committee.

Sen. PROVOST: What this bill does is permits the DRED department to use the \$11,800.00 that has been in escrow. The money will be used to update or restaff the Bureau of Outdoor Recreation programs. No state money is involved.

Adopted. Ordered to third reading.

PARLIAMENTARY INQUIRY

Sen. JACOBSON: Something new has happened and keeps repeating itself and I am not sure whether it is necessary, do we have to move the adoption of the committee report each time?

The CHAIR: The Chair is very pleased to answer your inquiry Sen. Jacobson because he suggested that you ask it. No, it is not necessary for anybody to move the adoption of acceptance of a committee report. The committee report is automatically moved to be adopted by reason of its coming into the Senate session in the printed calendar. Oftentime we will see a situation where there is a committee report with an amendment being offered by the committee. In that case it has been the tradition of the Chair to say the report is accepted and the question is on the amendment. But in any event it is not necessary when the person designated to speak in regard to the report makes a motion that the report be adopted.

SB 38

authorizing the real estate commission to expend from examination fees whatever sums are necessary to hire a testing service. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Presently the Real Estate Commission receives \$15.00 for each application for a salesman or broker license. The Executive Secretary prepares the test for licenses and the test is conducted by University of New Hampshire at a cost of \$5.00 per applicant. The remaining \$10.00 goes to the General Fund.

This bill would allow the Commission to hire a qualified testing board which would prepare the test, structure, administer and conduct the examination under the direction of the commission. This is at a cost of \$10.00 per applicant with the remaining \$5.00 to go to the General Fund. There is no increase in the application fee. The Senate Finance Committee considered the bill to determine the cost, which we know now

will be \$7,500 more than their other budget for the use of the Princeton Testing Service. However, it is a transfer of monies that are coming in from applications and will make for a much better system for the examinations.

Sen. FERDINANDO: Is there currently a problem with the University testing the Real Estate people? Is this the reason for this bill?

Sen. FOLEY: No. I believe that the examination has to be made up by a girl who works in the office and she gets examinations from all over the country and takes the questions from each one and feels sometimes that it is not as an effective examination and felt that the Princeton Testing Service would have the correct examination for it.

Adopted. Ordered to third reading.

SJR 3

making an appropriation for funds to pay actuary costs to determine the contribution required of the state to include in the state retirement plan. Ought to pass. Sen. Provost for the Committee.

Sen. TROWBRIDGE: The amount of money involved in SJR 3 is \$1,200.00 which would come from the Highway fund. There are quite a number of employees in the Highway Department that are having trouble with the retirement plan and Hans Meissner of the Highway Department has taken it upon himself as a committee of one to find out what the problem is and to organize it. One of our own rules here in the Senate is before any retirement bills can come in it must have the actuary report alongside it so we can determine the actual cost of the change in the retirement bill. What SJR 3 is doing is giving them \$1,200.00 out of the Highway fund in order to get the actuary to determine what the cost is which rates could be between \$40,000 and \$60,000 in the retirement bill.

Sen. FERDINANDO: Was there any discussion on not limiting this bill to the Highway employees?

Sen. TROWBRIDGE: Well, because it was charged to the Highway fund it couldn't be used for anyone else, the source of funding being the Highway fund it had to be the Highway employees.

Adopted. Ordered to third reading.

HB 128

enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: HB 128 was introduced by the request of the Fish and Game Department and authorizes the director of the Fish and Game to enter into agreements with individuals, partnerships, and corporations, both resident and nonresident for the purposes of fishladders and for any other matter relative to proper protection and preservation of fish game and fur bearing animals. Apparently the present law does give the Director that right to sign the state agencies and the Federal Government. In the eyes of the Attorney General this opinion is not absolutely clear in relation to individuals and HB 128 will clear that situation up.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS FOR 1:01**SB 26**

relative to purchasing procedures by the University of New Hampshire. Inexpedient to legislate. Sen. Johnson for the Committee.

Sen. FERDINANDO: I move the words ought to pass with amendment be substituted for inexpedient to legislate.

Sen. FERDINANDO: I would like to offer an amendment. The amendment deletes the questionable part of the bill that I think people have had some problems with. There is a copy of this amendment on everybody's desk. Merely what the bill does at this point is asking for combining the purchasing requirements between the University and the state of New Hampshire by having the directors of both purchasing agents to get together to buy at the lowest possible price. This is merely all the bill does. It will save the taxpayers of New Hampshire thousands of dollars whether they are buying envelopes that are duplications, whether it is buying paper supplies, regardless of what it buys this is merely all the amendment does and I would hope that the committee would find the amendment acceptable and would pass it.

PARLIAMENTARY INQUIRY

Sen. JOHNSON: What is the proper way to oppose an amendment?

The CHAIR: If you want to successfully oppose the amendment as offered by Sen. Ferdinando, I think the best way available is to either defeat the amendment by voting negative on it or to move the consideration of SB 26 be indefinitely postponed.

Sen. JOHNSON: I move that SB 26 be indefinitely postponed.

Sen. TROWBRIDGE: I will be very brief but when I looked at this last night I am in favor of the motion to indefinitely postpone. I am sure and I saw Norman Myers of the University the other day and in almost every category the University buys in lots which are big enough to get the lowest discount available. Trying to get the state and the University to combine on any standards so they would have to get exactly the same type of envelopes or exactly the same kind of printing on it is an administrative nightmare as far as I can see. I think they both buy at the lowest possible price they can get, right now.

Sen. BLAISDELL: Mr. President, I rise in support of Sen. Johnson's motion and go along with what Sen. Trowbridge has just said. In the committee hearing we had Mr. Myers relate this to us telling us exactly what the system does, we do buy at the lowest price and they do buy carefully.

Sen. SANBORN: Senator, when the University was — when parts of it were before the Finance Committee there was some mention of this at that time and it seems to me that I remember the gentleman that was in charge of purchase saying that there was a lot of material they did buy through the University but there were items that they went out and purchased because they could buy them cheaper than the state could. For instance laboratory supplies. What does your amendment do. Does it allow let's say the state, we've got all these laboratories around up here, will this allow the state to buy laboratory supplies through the University and the University could get cars if they could get them cheaper through the State?

Sen. FERDINANDO: Senator this is what this does. For example if the state can buy less expensive — this is sort of an

interchange here — if the state can buy lab equipment much cheaper through the University they would then do so. Nothing prohibits the University from buying from their sources and it also allows the opportunity for the state to buy the same sources as long as the prices are less expensive. We can save the taxpayers some money by having this interchange of purchasing. Now I have forgotten what the budget is at the University, the expenditures at the University are an awful lot of money and if we can at some point help both the State and the University, I realize that the University has been a sacred cow it doesn't like to have anything upset I know they spoke against the bill but with amendment it would save the consumers and taxpayers of the State of New Hampshire money. I think this is the bill that will allow this to happen.

Sen. PRESTON: I appreciate the intent of the amendment Mr. Myer stated that this had been introduced in two previous sessions and concerns were expressed about losing the education discounts and he said that wherever possible joint purchasing has always been done and he referred to this as statutory rigidity and jeopardizing some of the educational discount benefits from such places as IBM and Burroughs.

Sen. FERDINANDO: Is there anything in this bill that would allow the loss of education discounts?

Sen. PRESTON: As I understood what Mr. Myers said Senator that the University by purchasing directly or doing business directly with these firms is allowed State Universities educational discounts.

Sen. FERDINANDO: Is there anything in this bill that would prohibit this from happening?

Sen. PRESTON: I would say not in any way would jeopardize it, they are already trying to buy jointly with the state and they are authorized to do business directly with IBM and Burroughs and it would just seem like a duplication of effort to go to State Purchasing. I don't see anything in here that would prohibit it though.

Sen. TROWBRIDGE: I am a little mystified now because the amendment says that the University of New Hampshire shall combine its requirements to those of the Director of Purchase and Property of items common to both agencies. Let's say

you had IBM as an item that was common to both agencies then at that point I would take it that they would have to go with the state and they could lose their educational discounts.

Sen. FERDINANDO: It would be determined by the purchasing agent. I think the two of them should be able to sit down in the event of a purchase of a \$20,000 piece of equipment and certainly if there was an advantage of buying it through the state and it was mutually agreed upon by the two of them why the way the bill is drafted they could go ahead and do so.

Sen. JOHNSON: SB 26 pertains to purchasing procedures at UNH. It states that UNH shall combine its requirements with those of the director of purchase and property for items common to both agencies. Norman Myers V.P.-Treasurer of UNH testified against the bill. Mr. Myers stated that procedure has been followed wherever practical for many years. As a matter of fact UNH due to educational discounts is able to purchase certain equipment and supplies at better prices and as a result buys them for other agencies. It was the unanimous vote that this bill is unnecessary.

Sen. JACOBSON: I would like to say that in reviewing the Arthur D. Little report there is a very strong suggestion that some of this purchasing throughout the whole of various state departments and agencies should be combined. I am hopeful that the Executive Departments, Municipal and County Government Committee will pick up that question in detail so that we might possibly suggest in specific areas certain kinds of uniformity which would in fact save money. I think the difficulty with this particular bill is that it does not deal with the total question and I think in order to clearly understand it we need to deal with it as a total problem.

Adopted.

ANNOUNCEMENTS

The CHAIR: The chair announces the appointment of assistant majority leader Roger Smith to attend a conference with officials of the New England board of Higher Education, the Governor and the Speaker of the House on Thursday morning at 10:00 in the Governor's office.

The Chair is also pleased to announce for the record an

appointment of a special Senate committee on the New Hampshire State Prison consisting of Sen. Roger Smith as Chairman, and as members Sen. John McLaughlin of Nashua and Sen. Robert Bossie of Manchester. The purpose of this committee being to study the State Prison situation, in particular, deeper, long range ramifications with a view to erecting legislation for consideration of the Senate in this session and also recommending and studying in detail the proposals in respect to the operating and budget requests as they may effect the state's present situation.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, and that when we adjourn we adjourn until tomorrow at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 11, providing for annual summary fiscal reports.

SB 79, appropriating certain funds held in escrow by the department of resources and economic development.

SB 38, authorizing the real estate commission to expend from examination fees whatever sums are necessary to hire a testing service.

SJR 3, making an appropriation for funds to pay actuary costs to determine the contribution required of the state to include in the state retirement plan.

HB 128, enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters.

Adopted.

Sen. Poulsen moved the Senate adjourn at 3:25 p.m.

Wednesday, 28Mar73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh most merciful Father, help us to hear Thy voice as we go forward each day. Trying to set aright each difficulty, as they arise.

Renew within us all the right spirit, that we may feel lifted up as we complete our daily sessions, knowing full well, we have done our best.

I humbly thank Thee for the recognition that has been bestowed upon me. The presentation of the autographed book of prayers written by the Chaplain of the great Senate of the United States. Also for the thoughtfulness of those who made it possible.

Dear Lord, we beseech Thee to hear us. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Sen. Downing.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 112, relative to neglected, delinquent and abused children. (Smith of Dist. 3; Spanos of Dist. 8 — To Judiciary.)

SB 113, establishing the Franklin Pierce Law Center. (Nixon of Dist. 9; Spanos of Dist. 8 and Jacobson of Dist. 7 — To Judiciary.)

SB 114, providing for a snow-making system for Mount Sunapee State Park, and making an appropriation therefor. (Spanos of Dist. 8; Jacobson of Dist. 7 — To Public Works and Transportation).

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 193, requiring open vehicles to be covered when carry-

ing particulate material. Referred to Public Works and Transportation.

HB 335, to provide for designate alternate members to serve in absence of the regular members of the New England Interstate Water Pollution Control Commission. Referred to Resources and Environmental Control.

HB 354, relating to arrest without a warrant. Referred to Judiciary.

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire. Referred to Recreation and Development.

HB 428, relative to certain relatives' responsibility in medical assistance cases. Referred to Judiciary.

HB 479, relative to the time of installation of town officials. Referred to Executive Departments.

HJR 22, in favor of the North Conway fire department for rescue operations. Referred to Banks, Claims and Insurance.

HOUSE CONCURRENCE WITH SENATE AMENDMENT

HB 314, relative to accident and health insurance issued under franchise plan and relative to the expiration date of insurance company licenses.

HOUSE CONCURRENCE

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city.

ENROLLED BILLS REPORT

HB 106, eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks.

HB 132, relative to definition of resident under fish and game laws.

HB 161, legalizing the annual town meeting of the town of Warren.

HB 171, increasing the maximum pension allowed for certain firemen, police officers and constables.

HB 192, relative to the definition of civil defense and the civil defense executive council.

HB 204, establishing a New Hampshire fruit marketing committee.

HB 229, allowing chiropractors to participate in medical service corporations.

HB 230, requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election relative to the same.

HB 304, prohibiting the publication of names of the elderly receiving an exemption from property taxes.

HB 362, to reclassify a certain highway in the town of Whitefield.

Sen. Provost
For The Committee

RECESS

OUT OF RECESS

COMMITTEE REPORTS

Regarding the Joint Rules.

Sen. POULSEN: I move that the Senate non-concur with the concurrent resolution with respect to the House, and that a committee of conference be set up.

Adopted.

The Chair appointed as members of said Committee on the part of the Senate, Sens. Poulsen, Spanos, Porter, Downing and Trowbridge.

Introduction of Costas S. Tentas of the New Hampshire Liquor Commission to speak on the function of his department.

Mr. Tentas: Mr. President and Senators, I want to first say that it is an extreme privilege and honor for me to appear be-

fore you in the Senate Chambers. On this rare occasion I hope that I am able to convey to in a clear and concise manner the activity that takes place within the Liquor Commission.

The New Hampshire Liquor Commission was established in 1934 at a Special Session of the General Court called by one of the great Governors of New Hampshire, John G. Winant. The Special Session came about at the ratification of the 21st Amendment by the State of Utah at 5:30 P.M. on December 5, 1933, which ended the period of Prohibition that had extended from January, 1920 through January, 1934.

When that Special Session of the General Court met it produced what was considered one of the best Control State Systems constructed in this country. Since that time various sessions of the Legislature have modified the system to reflect the tenure of the times in which we live. There is no doubt that today New Hampshire can be proud of the legal structure, and, I might say, performance of its Liquor Commission.

At the present time there are a total of 374 positions authorized by the Legislature to operate within the Liquor Commission. There are three unclassified positions of Commissioners, 30 administrative positions, 291 store personnel, of which five are supervisors, 25 persons allocated to the Warehouse operation and our Enforcement Division which is composed of 25 permanent personnel. The Commission was funded an amount of \$9,718,900. for the biennium 1972-1973 and requested a total of \$13,560,000. when preparing their budget for fiscal years 1974-1975.

The present three-man Commission is composed of two Republicans and one Democrat. The law requires that not more than two shall belong to the same political party. The other members at the present time are; Commissioner James P. Nadeau of Dover and Commissioner John J. Ratoff of Hampton.

The Commission is charged with a variety of responsibilities. In addition to the function of control, which means the enforcement of the liquor statutes and Commissioner regulations, we are required to operate a business that must also recognize the controls set up within the law. The Commission is required to establish and maintain state liquor stores, operate a warehouse and office for administrative purposes in the city of

Concord, and select the items of spirits and wines to be listed for sale in the State of New Hampshire. Along with this last duty, the Commission is also required to set prices on these products that will produce substantial revenues for the General Fund of this State. Along with its control aspect, the Commission is empowered to issue permits which are connected with the sale of beer on premises and the issuance of licenses, which are connected with the sale of liquor and wines in the areas of on-premise consumption. The Commission is also charged by law to collect beer taxes currently set by statute at 12 cents a gallon from the various wholesalers of beer in the State.

Because of the wide variety of activities performed by the Commission, it is necessary to allocate the responsibility among the three Commissioners. At the present time I am in charge of the general administration of the Commission and the enforcement arm of our agency. Commissioner Nadeau works primarily in the area of the development of new retail stores and the renovation of existing stores. The modernization and relocation of our stores plus the addition of new stores has been greatly responsible for the additional sales experienced by this Commission. Commissioner Ratoff is in charge of personnel, and as such, he has been greatly involved in the development of a contract with the State Employees Association. At the present time this contract is in the stages of ratification by the employees of the Liquor Commission. Following ratification it will be sent to the Attorney General's office for the legal aspects of its contents. While each Commissioner operates individually in these areas, they act as a group in voting in all decisions of the Commission. On an operational level, the control aspects of the Commission are under the direction of the Chief of Enforcement, William Tassie, and in the merchandising aspect, we have the Director of Merchandising and Accounts, Robert Herlihy.

Our Enforcement Division is composed of 22 Investigative personnel at various levels of administration and field operation and three clerical positions in the main office here in Concord. The majority of the working time of our Investigators is utilized in making calls on our permittees and licensees. This job is a most difficult one since the business at best is a controversial one and its problems are unique. The Commission, acting upon the reports and recommendations of these Investi-

gators, takes into consideration these unique factors. I must say that these men in the field have a fine working relationship and good lines of communication with Federal Agents, other State agencies and the enforcement personnel of counties, cities and towns throughout the State. Everyone recognizes these problems and each decision made has the right and wrong aspect to it. In dealing with our Investigators, we stress the counseling aspect of our rules and regulations with the various permittees and licensees. We also stress the importance of carrying the message to minors; of the importance of healthy attitudes toward the consumption of alcohol beverages when they do reach majority age. We caution them through visual aids, the dangers that are inherent with the *abuse* of alcohol beverages. Recent action taken by both branches of the current session of the General Court, will at some time in the near future, lower the drinking age in New Hampshire to 18 years of age. From reports we have received, from other control states lowering the drinking age, no great problem will result from this action. We do feel that the Legislature, at this time, has recognized, as it has in the past, the current trend in our society. We hope that our department will be able to continue the high level of control service to this new group entering into the legal age of drinking.

The function of the Commission receiving the greatest recognition is that in the operation of the retail liquor stores in this State. Recognition that is due to the fact that some 30% of the General Fund revenue is derived from the profits of this operation. As I mentioned previously, we are in a business as far as this function is concerned. We make no apologies for this statement. Those who have dealt with us in the areas of leasing store locations, or in the field of transportation, in supplying equipment or in the furnishing of expendable supplies know that we negotiate for the lowest price and the best service for the State of New Hampshire. We operate at approximately 5% of our gross sales in operating costs, and we feel that the traffic that is generated by our stores demand special recognition for its economic value to others near it. The greatest criticism that is made of the Commission within the state agencies and those outside the state agencies is from the fact that we demand a full return for dollars expended in the areas of our budget. We will not allow second class service for our hard earned money.

From an organizational structure we have 59 retail stores authorized by the Legislature. One of these stores located in Manchester is presently closed due to the lack of acceptable facilities at the price paid by the Commission. We are currently developing interest in the location of this 59th store in the city of Manchester. Our Warehouse and executive offices are located here in Concord along with one of our liquor stores at the Concord Shopping Center. A recent study of the Warehouse operation by the Governor's Council recognized the efficiency and productivity of our Warehouse. Currently other studies are undertaken by the Commission that will permit the Commission to eventually handle an increase of approximately 100% in volume by the year 1980. We expect that as the sessions of the Legislature meet we will be able to justify the programs that are necessary to undertake to meet this increase in volume generated by the Liquor Commission. Those of you who are familiar with our Warehouse know that it is the most modern operation in the country. We have been funded for up to date materials handling equipment along with a modernized method of palletizing loads of merchandise within our Warehouse.

One of the most important tools used by the Commission is the sophisticated Data Processing System handling the inventory levels at our Warehouse and stores throughout the State. Our inventory control system and reporting system is the envy of all our sister control states and the many private operators in the open states. With our refined program and remote transmittal system we have daily reporting of inventory levels as well as sales conducted at any of our stores. This information is handled promptly and inventory levels can be kept at a minimum resulting in low inventory investment and rapid turnover. As mentioned previously, the conversion, relocation and establishment of new state stores is responsible for the majority of the increase in our sales. At the present time we have 49 self-service stores. It is of interest to note that 41 of these have been converted since 1969. A great deal of effort and energy is required to accomplish so much in so little time. The Commission, in addition to being one of the first to convert to self-service type stores, was also one of the first to accept the half-gallon size of distilled spirits as a legal size for sale. Last year the half gallon size merchandise accounted for 45% of the total cases sold. There are still some states, including New York State

which do not recognize this size and no half-gallons of merchandise can be sold in that State.

New Hampshire was also one of the control states to adopt the contract carrier concept of transportation which is now becoming the backbone of the automobile industry inventory control system. The contract carrier now servicing New Hampshire provides same day delivery of merchandise, assisting us in our effort to have a maximum turnover of inventory with a minimum amount of investment. In many cases the merchandise that is delivered to the Warehouse today will be sold within a 10 day period, but the State will not have to pay its bill for 30 days. As you can see, this is an extremely important activity that has been promoted within our liquor system. This Commission also has one of the first remote data transmission systems from the stores directly to the computer for the recording of sales and inventory levels at the end of each day's transactions. Forward looking State managers from other states are already consulting with our personnel on the development of such a system in their state.

No business is without relevant statistics. In the Liquor Commission business, we are concerned with items known as; apparent consumption per capita and revenue per capita. By relating some of these figures to you, will be able to see at once that New Hampshire is by far a leader in its merchandising operations and in the contribution that it makes to the General Fund.

In the item called, apparent consumption per capita, the total gallonage sales is divided by the total population of a particular state. In the open or license states the consumption per capita is 2.01 gallons, in the control states, and this shows that they are control states, the total average in these 18 states is 1.51 gallons per capita. In all of the states combined the total apparent consumption per capita is 1.90 gallons. In New Hampshire, where we stress merchandising through low prices, modern, easily accessible, well lighted, self-service stores, we attract a great deal of tourists and out of state consumers. New Hampshire's apparent consumption per capita is 5.02 gallons per person compared with the national average of 1.90 gallons per capita. Please do not misuse this statistic in drawing the conclusion that all residents of New Hampshire consume in excess of the national average. The sales in this state are primarily

made to out-of-state consumers attracted by the favorable merchandising climate provided by the Liquor Commission.

Revenues which are the life blood of state operations are also very impressive for the State of New Hampshire. In the open states the revenue per capita is \$13.05, in the control states it is \$17.71, which reflects the importance of running the state operation as compared to private operations. In all states the per capita revenue is \$14.46. Again, New Hampshire has a phenomenal revenue per capita of \$31.13 or over 100% of the national average. New Hampshire is the first name seen in the report of per capita revenue and for the first time, we have exceeded the statistics promoted by the resort State of Nevada. In the area of more statistics, the Liquor Commission will shortly be approaching sales in the amount of 100 million dollars annually. This is an increase of nearly 100% in a period of 6 years of operating under our new merchandising concept.

As for the future, we believe that the Commission will experience additional growths as population increases and as the drinking population increases as a result of lowering the age of majority. We feel that we can gear ourselves properly to handle the demand of these additional customers who will also have additional free time on their hands.

All of the statistics furnished to us by those connected with the business of spirits and wines indicate there will be a great demand potential in the age group 21 to 35; the female shopper is becoming more and more a part of the spirit and wine purchasing process. There are greater numbers in those having uncommitted incomes, especially those in the younger age group. New products are being introduced that will enhance the sales potential for those in the alcohol market. In 1972, as of July 1, a new category of whiskey called Light Whiskey, was authorized for sale by the Federal Government. While this item at the present time does not command a great segment of the market, its potential is there and a great deal of confidence has been placed in it by major marketing companies. More leisure time for the average American will be available due to the implementation of the four day work week. In his travels, the average American will require expanded lodging facilities, better food and more food and more beverages.

As this leisure time becomes more available, we will re-

quire more realistic liquor laws and regulations geared to these individuals. As I indicated before, Legislators, since 1934, have recognized these liberalized requirements and have taken action to bring our laws up to date.

A word on the liquor industry. They are spending millions of dollars in research in new products in ways of packaging merchandise and marketing their product and supporting it with a great deal of advertising dollars. All of their efforts to promote their products will have an advantageous effect on the merchandising atmosphere here in the State of New Hampshire. We encourage this type of activity because we believe that the proper use of spirits and wines does enhance the living quality of our citizens.

In forecasting the future of our business, we would be remiss in not taking into account negative factors that could seriously affect our growth. A major threat to our industry lies in the area of what it must produce in the area of profits or in some cases taxation. We believe that steeper levels of taxation on an already over taxed product will result in it being reduced in attractiveness and will promote the production of illicit beverages. Fortunately, in New Hampshire there is no tax on liquor, and we are proud to say that there is no bootlegging operation. While there is no state tax here in New Hampshire, we do carry a very heavy federal tax on each proof gallon of liquor sold in this state. A levy of \$10.50 per proof gallon means that of every fifth of 86 proof spirit that is sold, there is \$1.80 of federal tax built in to the price. Federal taxes are also levied at various amounts on wines and champagnes that are produced in our domestic market. We again feel that additional taxes in this area could seriously affect the volume of legitimate sales of spirits and wines in this state as well as the country. This is one of the major concerns of this Commission and that of our National Association.

To bring our retail store operation into focus for you, fiscal year 1972 sales amounted to 90.7 million dollars and produced gross profits of 26.8 million dollars, as compared to a previous year when gross profits were 22.7 million dollars or an increase of 17%. The large increase is a direct result of the introduction of new shopping facilities into the system, an increase of nearly 4 million dollars in one store alone at the Portsmouth Traffic Circle. While volume will continue to increase

it will not be as phenomenal as this one. Fiscal 1973 has been projected at the rate of gross sales in the amount of 92 million dollars with a gross profit of 27.1 million dollars. We expect that we will service 8 million customers and will sell nearly 20 million bottles of spirits and wines. The Commission has projected in its budget for the biennium 1974-1975 sales increases of 5% in each of the years. With most stores renovated and operating as self-service units, the regular growth will still exceed the national growth rate of 3%.

The Commission has been extremely fortunate in obtaining funds for these stores which has resulted in a modern, up-to-date store system. Self-service stores are modeled after the regular self-service stores in large grocery chains, allowing the customer to shop leisurely while in state liquor stores. The customer is motivated to make multiple purchases on impulse, rather than a specific purchase previously made in a conventional type store. Better locations, accessibility, ample parking, ample lighting, stocking, convenient store hours and courteous, knowledgeable clerks have added to the sales dollar.

We have asked for 7 new stores of the self-service type in our 1974-1975 budget. These would be located in; the Troy, Fitzwilliam area, Lisbon, Newmarket, Raymond, Lee and another store in the downtown Nashua area and a second store in the Keene downtown area. It would appear that the store at the Hooksett Plaza will not be available in the upcoming biennium. We have been informed by the Public Works and Highways that the funds available through the capital fund appropriation of the Special Session of 1972 is insufficient to complete the store at this time. We believe that we will have this store available to us in fiscal 1976, if the additional funds are included in the current capital budget.

While the majority of the Liquor Commission's revenue is from the operation of the retail stores, other revenues are collected in the form of license fees. These sources of revenues produce approximately \$130,000 a year. An additional \$200,000 is collected in permit fees making a total of \$330,000 from our licensing activity.

Beer is not sold through the liquor retail store outlets but this Commission does collect a fee from wholesalers on each gallon of beverages sold by them for resale. In fiscal 1972 these

additional fees amounted to \$2,700,000. These fees are collected from wholesalers at the rate of 12 cents for every gallon of beverage sold for resale by them to a permittee during the preceding calendar month. Revenues from this source are relatively stable and vary only in direct relationship to the beer sales in the state, since the gallon assessment is by statute. The total revenues to the General Fund produced by the Liquor Commission from all sources in fiscal 1972 amounted to \$29,800,000. We intend to continue to make this amount increase.

The Liquor Commission again wishes to express its appreciation for this opportunity to briefly describe its operation to the Senate of the State of New Hampshire. In doing so, we recognize that we are an agency of state government, and as such we are public servants and are here to perform for the people, the citizens of the State of New Hampshire. We intend to continue to operate the Commission in a businesslike manner, provide the best possible service available as financed by this Legislature, and to provide the maximum possible revenue to this state. We intend to do this all in a manner consistent with the necessary controls that are encumbent upon the Commission by the laws of the State of New Hampshire.

Thank you, Mr. President and Senators.

Sen. PRESTON: First, I would like to thank you for the free samples, the brochures, etc. Pertaining to a couple of inquiries I have had from a few operators of restaurants and lounges in the seacoast, Commissioner, I understand that when they need additional inventory, when their beverages run short they go to the liquor store and carry an amount in excess of 800 or \$1,000 and they are not able to use their own checks without having them certified. Is this something that can be overcome within the department if these are recognized reputable people?

Comm. Tantas: It is most difficult Senator. We will accept checks as long as they are certified or a cashier check. Each year when licenses expire on May 31st it is surprising to note how many of these people who are bringing their applications in to renew their licenses and the checks bounce with insufficient funds. Now where and who and how you draw the line, who is reputable and who isn't, we run a cash business, if the check is insufficient funds the firm will work and administra-

tive staff will be involved so greatly, so what we say to them is that if you can go and get a cashier's check or a certified check than we will accept it. If you allow it to licensees why don't you allow it to the general public who contribute some 92% of all of our sales.

Sen. PRESTON: Would it be objectionable if they could post a bond or something here because the exposure of carrying this cash, the possibility of pilferage and the exposure of having this amount of cash in the liquor stores just doesn't seem to be in good judgment.

Comm. Tentas: Well we have looked at this very carefully, in fact the first part of this year the commissioners met with officials of the Hotel Association and this was one of the items brought up on the agenda to be presented to us. But again we are in a cash business, its difficult, where do you draw the line. 55% of our total sales are made to people out of the State of New Hampshire and I don't think it is right to say that we will accept checks from a person who has a license and not from a person who contributes even greater to the sales picture of New Hampshire. Now as far as the funds in our stores, they are under tight security, first of all we make sure that the lives of our people are safeguarded and secondly the funds of the State. We deposit periodically, we deposit at different times of the day, we have security as far as police protection going and coming from the banks. But again we are in a cash business we will accept certified cashier checks but it is a decision that the commission made and I think it is a good one, because again, if we are going to get involved in checks and let me repeat, each year we have dozens of them coming in to renew their licenses with checks and they bounce.

Sen. BLAISDELL: Is it true that the local beer distributors have a distributorship license plus a retail license?

Comm. Tentas: Yes, by statute.

Sen. BLAISDELL: Do you feel, of course I am a retailer myself, not in beer but in sporting goods, do you feel that it is fair to the local market, supermarkets or whoever has a regular retail license to have the general public go to the beer distributor and be able to buy direct from them? Certainly these people are the ones that carry the inventory in their stores, do you feel that it is fair?

Comm. Tentas: As a former grocer for 14 years no, it isn't fair, but let me elaborate. The intent of that statute was not for the purpose those who are wholesalers holding wholesaler permits be authorized by the legislature to have an off-sale permit issue. That was for the convenience for those people who were having picnics or social functions on Saturday and not to get involved with package to compete with the corner grocery store. This was not the intent but the answer to your question sir is no, it isn't fair for them to be in this practice.

Sen. BLAISDELL: How can you remedy this?

Comm. Tentas: Legislation.

Sen. FERDINANDO: On page 4 it says here the sales in the state are made primarily by out-of-staters who are attracted by the favorable merchandising climate provided by the liquor commission. There is no question that the liquor industry has been good in the State of New Hampshire but I think we have to recognize that we do have a price differential from other states of two to three dollars a bottle. The question I asked, I worked for Scott Paper Company in merchandising and sales promotion in New York and New Jersey two years ago. I still feel that in spite of ourselves, and I think you guys have done a good job, there are still areas that I have discussed with you that I don't think have ever been taken up. For example I would like to see displayed materials, in other words if you are going to be in the liquor business, who decides in your commission, for example, whether we have multi-case discounts, signs indicating that our prices are lower, indicating to these millions of out-of-staters here that we all here in this room recognize the price factor but how many millions of tourists who are visiting here each year who are not aware of that. I think that the basic marketing principles would be to inform these people somewhere, somehow, and I am just wondering what steps have been considered by the commission.

Comm. Tentas: First of all Senator our price book which is published four times a year, at one time we only circulated around one hundred to one hundred twenty-five thousand copies. Now we circulate one hundred thirty thousand copies during the four periods. We distribute these not only in the 59 stores, but toll plazas, commercial areas and as people come into the state they pick these up. Now beyond that, let me say

this, that I am sure that you noticed, and everybody else has, this past Christmas where the Commission did take merchandise and display it up front, cut the cases open, put signs up, we do have pamphlets on wine and pamphlets on distilled spirits we have pamphlets on brandy. Now beyond that the Commission is constantly looking in areas of promoting and increasing sales, but we have to do it all within the framework. Again this commission is always open for constructive criticism and we have always adhered to it and we will always try to improve the business as we go along but our problem has been that our hands have been tied, we have had busy weeks and months and years to establish and relocate the stores. Now we are going in the opposite direction. Now we are going to try to see how we can increase the sales. As far as case lots, this has been under consideration by the Commission for many months. There is a possibility somewhere in the future that in order to generate more sales we might enhance our sales by offering a discount on case lots. Either one case or two cases or six cases. We are forever having signs put up for different sale items that are going on or off the list and we try to get all the stores to advertise their products but again the commission doesn't have the funds to advertise itself. So we have to get this material from those people who we are doing business with.

Sen. FERDINANDO: How many stores do we have Commissioner, that are not self service?

Comm. Tentas: There are nine.

Sen. FERDINANDO: Is it down to nine?

Comm. Tentas: Yes it is.

Sen. FERDINANDO: What are the plans to convert these nine stores? What are the long-range plans?

Comm. Tentas: They are not long-range Senator. As a matter of fact they are short-range. We hope that the remaining ten stores will be converted to self-service by the end of this coming biennium, and hopefully sooner. We want to be the first controlled state to be 100% self-service in its store operation.

Sen. FERDINANDO: I was just thinking in the meantime. We still have that number system where the out-of-stater is coming in and looking at that board and she might be look-

ing for a certain kind of scotch and she can't find scotch and then she has got to find the number, etc., etc., this is not conducive to buying, by the time they find what they are looking for they won't buy anything else because they have to go back to that board and find another number. The question is that in the meantime what consideration could be given to eliminating the number system?

Comm. Tentas: Let me answer it this way. Of the nine stores, there are 10 stores that are remaining conventional. These stores only produce about 5 or 6% of our sales. The commission is looking in the areas where we want to eliminate the wall boards even in the conventional stores before we turn to self-service, but the one's that are left are small stores that don't generate much sales and are not in an area where you say that the tourists can be captured. The commission is looking at it to eliminate the wall panels and the requisition slips even from the nine or ten stores before we turn to self-service.

Sen. FERDINANDO: You are doing it?

Comm. Tentas: Yes.

Sen. JACOBSON: Following up Sen. Spanos' question, could you delineate for the Senate what is the criteria of which the selection of a store site is made?

Comm. Tentas: First of all as I mentioned earlier, we are constantly looking at areas where the traffic pattern may change or the highway system may change we look at areas as to get close to other communities or towns that don't have a store. Let me give you a perfect example. Right now the commission's sales are running about 4% of this fiscal year. In Keene they are running 17%, in Hinsdale they are running 35% so it is quite obvious to us that the southwestern part of the state is in need of a store. So the Commission has proceeded to the southwestern part of the state, we have visited several communities and we have come up with what we feel is the area of the state in the Troy-Fitzwilliam area. Now we take into account again the population growth of a community, the payroll in the community, the traffic count on its highways, other retail businesses in the area, and again what service can be provided to these people who do not have a store or have to travel several miles to get to a store.

Sen. JACOBSON: If a particular location conforms to this

kind of pattern or stands in excess to any that are proposed, does the commission have objection to the establishment of further stores?

Comm. Tentas: No we don't. As a matter of fact we are constantly — for years we have constantly requested for stores in each one of our budget requests. If the legislature sees fit to say to the commission we would like to have you take a look at a particular area, we will look into it and decide whether we feel it is feasible and we think that in most instances it may be. Again it depends on the area.

Sen. JACOBSON: You made a statement that disturbed me a little bit. I thought it was the prerogative of the legislature to make that determination, rather than having the Liquor Commission make the determination.

Comm. Tentas: Of status in stores? No, by statute Senator that is given to the Commission under 177:2 I believe it is. The funding comes from the legislature, the decision to establish stores in the communities is set by law to the Liquor Commission.

Sen. JACOBSON: So that even if the funds were established then the Liquor Commission could then refuse to establish the store, is that correct?

Comm. Tentas: No, if the funding was appropriated the Commission would proceed to establish the store somewhere where they feel it would be needed. In other words, we have asked for seven stores. Say we get funded for three. Now the Commission will have to take this request and reassess our situation and find out which of the seven will be best suited to be established, in priority.

The CHAIR: What the Senate is concerned with is suppose that we pass a bill here to establish a liquor store in New Boston but the Liquor Commission doesn't want it there but the legislature funds the store in New Boston. What happens in that case?

Comm. Tentas: If it is passed into law by the legislature than the store will be established in New Boston.

Sen. TROWBRIDGE: Chick, I don't think you will have any better time to acquaint the Senate with the saga of the

Hooksett Plaza fiasco. I think it would probably save explanation later on if you would tell that saga here.

Comm. Tentas: Yes Senator, it is quite embarrassing. During the special session in 1972 a bill was introduced by the then Speaker of the House, Mr. Cobleigh, to appropriate some \$710,000.00 for construction to erect a store, liquor store, at the Hooksett Plaza. We talked with officials from public works, and unfortunately the gentleman is deceased, Mr. Paul Tolman.

I talked with him at 4:00 in the afternoon and about 9:00 the next morning the figure the estimated cost figure was somewhere in the area of \$10,000.00. In proceeding and going ahead we find now that the estimated cost of construction for that store is going to be somewhere in the vicinity of one million four hundred thousand dollars. The government has approved the selection of an architect, proposed by the public works based on the fact that this legislature, the current one, does not see fit to come in with additional supplement appropriation of another \$750,000.00 that the original appropriation of \$710,000.00, the only monies that could be extended to the architect is somewhere in the vicinity of \$81,000.00. So if this legislature doesn't see fit to come in with the supplement that original appropriation of \$710,000.00 only \$81,000.00 or a maximum of \$81,000.00 could be expended. Now if this legislature sees fit and we strongly urge that the capital budget be amended to approve the additional costs for the store to be established at the Hooksett Plaza.

Because in testifying for this store we feel that for the first fiscal year of operation the store could easily generate sales somewhere in the vicinity of two million dollars, and we might remind this body that the lanes both north and south are going to be expanded from the toll plaza to the junction of I-89 and the Everett turnpike and there are times of the year and days of the year where the traffic on the Everett Turnpike is almost as great as it is on the seacoast of I-95. So we highly recommend and urge the capital budget be amended to include the additional costs for the establishment of a store in Hooksett.

Sen. FOLEY: Could you go into a little bit of detail about your listing and delisting profits and have you changed guidelines or are they still the same as they were?

Comm. Tentas: No, as a matter of fact I attended a press conference this morning with the Governor and I made a recommendation to the commission January 22nd and the Commission reviewed it and we adopted it and what we have done is to formalize the delisting and listing features in writing. We are developing a manual of procedures not only in that area but in areas of prospective liquor salesmen and now we are, I think we will be the second controlled state where the listing and delisting procedure is in writing. This is in the works, it has already been adopted and beyond that instead of reviewing the lists annually we are going to review it monthly, in more of a business-like manner to review items whether they are new or items that are not selling on a monthly basis instead of annually.

Sen. S. SMITH: Just to get this in perspective, you indicated practically double the cost of this new liquor store. In relationship to the liquor store in Portsmouth is this approximately the same size and how much was the cost of that?

Com. Tentas: The cost of the establishment of the Portsmouth store was about 8,000 sq. ft. and the cost was \$340,000.00. The size that has been recommended for Hooksett is three times larger, somewhere in the vicinity of 25,000 sq. ft.

COMMITTEE REPORTS CONTINUED

SCR 4

relative to the National Service Life Insurance for Veterans. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this resolution which is sponsored by Sen. Lamontagne asks the Secretary of State to inform our congressional delegation on the speeches of insurance for veterans.

Adopted.

SPECIAL ORDER OF BUSINESS FOR 1:01 P.M.

HB 349

re census of persons as of April first and a separate listing of homestead property. Ought to pass. Sen. Downing for the committee.

Sen. DOWNING: Mr. President, the reason why I asked

for this special order of business today is to prepare an amendment. The amendment is being distributed now and the amendment is basically what is contained in SB 30.

SB 30 requires the separate listing of homestead residence property. It was passed by the Senate, went into the House and there seemed to be a question of the vehicle by which this matter should be recorded. HB 349 required that the inventory blank now furnished by the tax commission be amended for 1974 to include the provision for a census. In talking with the folks over there, members of the committee in the House, we decided that this inventory blank should be amended further to include the listing of homestead residence property and rather than having the listing be effective for this year we make it effective the following January 1974. I urge your support.

Sen. Downing moved the following amendment.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a census of persons as of April first and a separate listing of homestead residence property.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Forms of Blanks. Amend RSA 74 by inserting after section 6 the following new section:

74:6-a Form of Blanks. Inventory blanks shall be arranged in columns and appropriately headed so as to include all the information required in RSA 75:4 and RSA 75:5-a.

3 Separate Listing of Homestead Residence Property. Amend RSA 75 by inserting after section 5 the following new section:

75:5-a Homestead Residences.

I. In addition to the listing of property as required by RSA 75:4, the selectmen or the assessors shall list in their inventory the value of homestead residences in a separate column.

II. "Homestead residence" shall mean the property it used

as a principal place of abode by the owner. It includes the land and buildings appurtenant to the residence. It includes house trailers and mobile homes that are used by the owner as a residence.

III. If any part of the owner's place of abode is used for business purposes, then the selectmen or the assessors shall only list in this column the value of that portion of the real estate which is used as a residence.

IV. The intent of this section is to show the value of all land and buildings used as homestead residences in a city or town.

4 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted. Ordered to third reading.

RECESS

OUT OF RECESS

ANNOUNCEMENTS

Sen. LAMONTAGNE: I would like to ask the Senators if they have received in the mail a questionnaire and also a one dollar bill for filling it out. Senator Foley has and so have I. This comes from Erdos and Morgan, Inc. research service and I would like to have the record show that I am returning this one dollar back to this corporation because I don't feel that I want to receive any money for any questionnaire.

UNDER RULE 45

Sen. SPANOS: Mr. President, I have been examining the House reports of the last two or three months and have noticed that the vast majority of constitutional amendments are being reported out "inexpedient to legislate" and the commentary on the report usually reads as follows: "Committee felt this amendment had merit but should be considered by a Constitutional Convention." These actions by the Constitutional Revision Committee disturb me and disappoint me.

First of all, there is no way for the Constitutional Convention to consider these amendments, unless the sponsor is elected as a delegate to the Constitutional Convention and proposes

his suggested constitutional amendment during the convention. This is not like the legislature referring a bill or resolution to the Judicial Council for its consideration and I hope that people are not misled into believing that such will happen to these constitutional amendments.

Secondly, when the Constitutional Revision Committee acts in this fashion it is in fact negating the right of the Legislature to recommend constitutional amendments which right was given to the legislature ten years or so ago by a constitutional amendment which I was happy to sponsor. Maybe there are some who do not feel the legislature should propose constitutional amendments for consideration by the people of this state, and perhaps this could be the strategy and policy of the committee. I hope I'm wrong.

Thirdly, the thing that disturbs me the most is that this kind of response is an abrogation of a legislator's duties, rights and responsibilities — to debate, deliberate and decide the issue on the merits rather than passing the buck.

My biggest disappointment in this committee's actions is in the fact that the two men in charge of the committee, Chairman Joseph Eaton and Vice-Chairman John Harvel, are men who are knowledgeable, competent and responsible legislators and men who I have admired and respected for a long time.

I make these remarks today in the hopes that the committee and its chairman and vice-chairman will re-examine and re-evaluate a policy which I believe is not in their best interest or in the interest of the state or the people of New Hampshire.

PERSONAL PRIVILEGE

Sen. FOLEY: The Minority Party requests that each and every Senator respond to the boycott on meat which will occur for the week commencing on April first through the seventh.

Over the weekend, many prominent officials have come out in the media in support of this effort. Town and city committees and town and city officials endorse this effort. We urge that the Senate do the same.

I well remember seeing a national convention on TV a few years ago, wherein a housewife went through the convention hall holding aloft a piece of steak to a nationwide audience and

protesting the high cost of same. I had thought of re-enacting the scene here in the Senate chambers today. In stage terms, I'm here myself but I just could not afford to bring the prop.

Prices are running about 23% more than they were running in December. It appears that all national, state and local problems are taking a back seat to the cost of food, in particular, the high cost of meat.

According to the Congressional Record, in mail coming to Congressmen and Senators, thousands of constituents are saying the following: Housewives are writing that they are using their rent money to cover the cost of food in order to feed their families; letters from retired people who feel the pinch are concerned, not with themselves, but with the "young couples with growing children"; butchers are ashamed to charge the prices and some are not even putting roasts out on display.

These are not poor people. They earn a living wage but the price of meat is out of proportion. It is frustrating and discouraging.

A great deal of publicity is being given to housewives who have never been involved in demonstrating or in boycotts before — suddenly they feel that there must be something that the ordinary person can do. The Minority Party applauds their efforts.

Over the past few days, advance publicity in the wake of the coming boycott, has resulted in meat prices taking a slight dip downward. With a successful meatless week we are sure that prices will be down appreciably.

Housewives will be outside of supermarkets throughout the state passing out nutritious, meatless recipes which can be used during the week. I urge you to accept our pamphlets and help to make our meatless week a success.

We've been told "Let them eat cheese" . . . even the price of cheese is out of sight. We've been told to shop carefully but no matter how carefully we shop, meats, even the cheaper cuts, are too high.

So . . . growing consumer resistance is the answer. On to the Boycott Week, April first through the seventh. Thank you very much.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only and that when we adjourn we adjourn until tomorrow at 12:00 in the beautiful lake city of Laconia.

Adopted.

LATE SESSION

Third reading and final passage

HB 349, re census of persons as of April first, and a separate listing of homestead property.

Adopted. Ordered to third reading.

Sen. Green moved the Senate adjourn at 2:25 p.m.

Thursday, 29Mar73

The Senate met at 12:00 p.m. in Laconia, N. H.

A quorum was present.

Introduction of the Hon. Rodney Dyer, Mayor of Laconia.

Mayor Dyer: Mr. President, Members of the Senate, Ladies and Gentlemen, it is my pleasure as Mayor of Laconia to welcome the Members of the Senate to the Lakes Region. I understand that this is the first time in history that the Senate has met in Laconia and we are happy to have you here.

I believe that the decision of the Senate to take government to the people is a good one. There will be many hundreds of people who will watch your deliberations throughout the state and who might never have an opportunity to see the Senate in session. It is important that people understand how the legislative process operates, and equally important that they have a sense of participation.

I hope that the people of the Lakes Region who have come to witness this session will have a better realization of the substantial responsibility that the members of the Senate have. Its 24 members form a legislative body that is co-equal with the 400 member House.

It is the Senate's responsibility, as well as that of the House, to promote and enact legislation for the common good. It is our responsibility, as the electorate, to be informed on issues, present our views, and weigh the judgment of the Senate. It is a symbiotic relationship that can only be enhanced by further contact by the Senate with the people.

I have prepared a proclamation in honor of the first session of the Senate ever to be convened in Laconia, and I would like to share it with you.

PROCLAMATION

WHEREAS, the honorable Members of the Senate of the State of New Hampshire shall convene in the city of Laconia on the 29th day of March 1973; and,

WHEREAS, this is the first meeting in this city in the 190 year history of the New Hampshire Senate; and,

WHEREAS, The Senate has determined to take its sessions to the people by holding sessions in each of the Senatorial Districts; and,

WHEREAS, such sessions have served to bring the legislative process to the home communities of thousands of citizens; and,

WHEREAS, this session in Laconia has been arranged through the good offices of Senator Edith Gardner;

NOW THEREFORE, I, Rodney N. Dyer, Mayor of the City of Laconia do hereby proclaim Thursday, March 29, 1973 as

STATE SENATE RECOGNITION DAY

and urge all of the citizens of the Lakes Region to join with me in the spirit of this proclamation and extend our hands in friendship to our welcomed guests.

(seal)

Given under my hand and the seal of the City of Laconia this twenty-ninth day of March in the year of our Lord one thousand nine hundred seventy-three.

MAYOR

Rodney N. Dyer

Introduction of Alexander J. Blastos, Ass't Superintendent of Schools.

Mr. BLASTOS: On behalf of the Superintendent of Schools, Laconia School Board and the School district, I would like to extend a warm welcome to all of the Senators who chose to come here today, thank you very much for coming.

Sen. NIXON: I would also like to recognize Mr. Martin Howard, the Principal of Laconia Memorial Jr. High School and I would also like to recognize at this time Mr. Robert Turner the Director of the New Hampshire Vocational Technical School here in Laconia.

Prayer was offered by Rev. Floyd G. Kinsley, Gilford Community Church.

Rev. KINSLEY: Oh Lord our help in ages past, our hopes for years to come, our shelter for stormy miles from eternal home. We meet in gratitude for a brief period that is ours in this land we love. We meet in gratitude for this heritage that is ours in this rock-ribbed state. We meet in gratitude for this body which has through the years, helped mold the passions involved in this state. We ask for Your blessing upon this gathering and upon this group and praying together that we may continue that heritage of which we are proud and which will help the whole world to know truth and righteousness and justice. In God's grace. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by James Jendrysik.

Introduction of Leon Anderson.

This is a first time the New Hampshire Senate has met in Laconia or Belknap County.

This is one of a series of Senate meetings through the state to celebrate New Hampshire's 350th anniversary, the Senate's 190th anniversary, and to bring legislative proceedings closer to the people.

The Senate was created in 1783, when our present democratic state government was formed. It was designed to serve as a check and curb on the large House of Representatives and still performs that function.

The Senate originally comprised 12 members. But it went to 24 in 1879 when state government was changed from annual to biennial status. Like the House, the Senate used to set its own pay. This ranged from \$2 per day for many years and went to \$5 per day after the Civil War.

When the biennial sessions began to drag into 70 and 80 days in the 1880s, or twice the length of annual sessions, the voters approved a flat \$200 pay limit per session. This was done to induce shorter sessions and less law-making, and it paid off for a few years.

While \$200 was good pay 80 years ago, even our State Supreme Court has officially labelled it disgraceful by current standards. It is hoped the people will soon endorse a modest constitutional amendment to make legislators at least worthy of their hire.

The Senate used to approve some two or three dozen laws a century ago for \$200 pay. Now more than 500 new statutes are voted each session. This is due to the increasing complexities of public affairs, and ever-increasing demands for more and more social services.

A thumbnail history of the Senate has been prepared for these home-front sessions. Copies can be obtained upon request from your Senator for use in schools, etc.

This historic Laconia session is sponsored by Sen. Edith B. Gardner of Gilford and the Lake City's civic groups. Now in her seventh term, Mrs. Gardner has become a virtual Senate fixture at Concord, as a dedicated public servant. She has served longer than any other person in the 80-year history of Senatorial District 6, since it first included Laconia and Gilford in 1893.

Gilford has had four other State Senators since its formation in 1812. First, in 1881, was Joseph C. Moore, 35-year-old Democrat and publisher of the Manchester Daily Union. Then there were Frank M. Rollins in 1887. Henry B. Quimby in 1889 and John A. Hammond in the 1921-23 sessions.

Laconia has been around only since 1855, being part of Meredith and called Meredith Bridge before that, and has had 23 Senators under its present name. One of the most colorful was Richard Gove, descendant of Hampton's Edward Gove,

who served in New Hampshire's pioneer 11-member Legislature of 1680, and landed in the Tower of London for sparking a brief armed revolt against unfair royal taxes.

Senator Gove wrote of himself in the 1881 legislative biographical Brown Book:

Democrat, Free Baptist, jeweler, married, age 66. Born in Sanbornton, learned the jeweler's trade in Plattsfield, N.Y., and Boston. In 1833 went to Laconia and commenced the jewelry business, at 18, having for his capital his tools and 17 cents ready money.

He has contributed as much to the prosperity and wealth of Laconia as any one man. He has built five large business blocks and 14 dwelling houses. He lives in a fine residence, costing \$30,000.

George W. Tarlson of The Weirs was another colorful Laconia Senator. He served as a beaming bachelor in the 1949 session. Following reelection, Tarlson became a blooming benedict in 1951, in the only wedding ever staged in the handsome Senate Chamber at Concord. He took Senator Winifred Wild of Jackson for his bride and played the glockenspiel all the way to their reception in the nearby Eagle Hotel.

We had hoped to exhibit the Tarlsons here as an example of Senate harmony, but they are on another of their many honeymoon trips around the world, according to recent word from Singapore!

In closing, we bow to Laconia's distinguished Editor Ed Gallagher of the Evening Citizen — as part of our Senate history. Way back in 1909 he served as official Senate reporter, and compiled the daily doings for the other newspapermen, who spent their time in the House.

That was the famous session over which Henry B. Quinby of Laconia served as Governor, rebuilt the State House, and donated a giant German clock for the new Council Chamber, which chimed so often, and so loud, that Governors have ever since stuffed it with rags and paper, because it disrupted their Council meetings.

That was the session, too, in which Senators often exclaimed "Good Lord!" because Harry T. Lord of Manchester

was their President, and House members chirped "Great Scott" because Walter W. Scott of Dover was their Speaker.

Laconia's first Senator was Orsino A. J. Vaughn in 1866. Next were William N. Blair of 1870 and John C. Moulton of 1871.

Others have been George H. Hatch 1893, William F. Knight, 1895, Stephen S. Jewett 1899, Elmer S. Tilton 1903, Charles O. Downing 1907, William Wallace 1909, Edwin H. Shannon 1915, Fred S. Roberts 1917, Burt S. Dearborn 1919, Frank P. Tilton 1925-27, Charles J. Hayford 1929.

Also J. Grant Quimby 1933, Maurice G. Wiley 1935, George C. Stafford 1937, Lewis H. Wilkinson 1943-45, Charles F. Stafford 1947, Otto G. Keller 1953-55, and James P. Rogers 1957-59.

Presentation of Resolution to Edward J. Gallagher, former publisher, Laconia Evening Citizen, by Senate President David Nixon, Senate Vice President Harry Spanos and Sen. Edith Gardner.

Whereas, this 1973 New Hampshire Senate is celebrating the state's 350th anniversary of progress and achievement, and this body's 190th year of public service, by meeting this day in Laconia for a first time in history, and

Whereas, this Senate is honored by the presence of Editor Edward J. Gallagher of the Laconia Evening Citizen, who served as the official Senate Reporter in the 1909 session; and

Whereas, this only son of humble Irish immigrants, who was denied a formal education because of a crippling boyhood illness, has contributed more than three score years of stellar public service to his native New Hampshire; and

Whereas, this includes service as Mayor of Laconia, on State Government commissions too numerous to enumerate, and work with state and local civic organizations too many to recall or even list; and

Whereas, Laconia and its Lake Region have long prospered from the spirit and leadership that Editor Gallagher has given through the Evening Citizen, which he founded nearly half a century ago; and

Whereas, Edward J. Gallagher's hallmark has been his innate kindness and friendliness, and shunning of sham and pretense, as exemplified both personally and in his writings; *Be It Therefore*

Resolved, that it pleasures members of this 1973 New Hampshire Senate, convened in Laconia, to express our respect and esteem to 82-year-old Editor Edward J. Gallagher for 65 years of exemplary public service as a working newspaperman, to which time alone will give full measure of appreciation; and, *Be It Further*,

Resolved, that these sentiments be inscribed into this Senate's permanent records for future inspiration.

Introduction of Senators by Senate President David L. Nixon.

INTRODUCTION OF GUESTS

Sen. GARDNER: I would like to recognize Nancy Johnson, who has brought the fifth grade here from Gilford. I would like to say that I consider everyone in this hall my guest today.

Sen. SANBORN: Mr. President, I would like to recognize an old resident of Deerfield who is here today and he is well known by everyone as being one of the better reporters of the Manchester Union Leader, my old friend Bill Anderson.

Sen. LAMONTAGNE: I would like to introduce my guest Mrs. Lorraine Santeusanio.

(Sen. Gardner in the Chair)

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 115, naming a certain body of water in the town of Wakefield, Belleau Lake. (Smith of Dist. 3 — To Resources and Environmental Control.)

SB 116, establishing the position of park and forest security officer in the department of resources and economic development; and making an appropriation therefor. (Smith of Dist. 3; Lamontagne of Dist. 1 — To Recreation and Development.)

SB 117, establishing a minimum penalty for driving without a license. (Jacobson of Dist. 7; Lamontagne of Dist. 1 — To Judiciary.)

SB 118, providing a ten year statute of limitations on the legacy and succession tax for title purposes. (Spanos of Dist. 8 — To Judiciary.)

CACR 32, Relating to: Decreasing the Age Requirement for Members of the Senate. Providing that: The age requirement for members of the senate is decreased from thirty to twenty-five years of age. (Bossie of Dist. 20; Blaisdell of Dist. 10 — To Judiciary.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 353, requiring registration of halfway houses. Referred to Public Health, Welfare and State Institutions.

ENROLLED BILLS REPORT

HB 128, enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters.

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city.

Sen. Provost
For The Committee

HOUSE CONCURRENCE ON SENATE BILL WITH AMENDMENT

SB 13, relative to conservation officer Warren Jenkins.

Sen. DOWNING: I move that the Senate concur with the House in the passage of this bill as amended by the House.

Adopted.

(Sen. Jacobson in the Chair)

COMMITTEE REPORTS

HB 146

relative to the power of Hesser College, Concord College and New Hampshire England Aeronautical Institute to grant

degrees and relative to Pierce College for Women. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, HB 146 extends the degree granting powers of Hesser College, Concord College, and the New England Aeronautical Institute. In regards to Hesser College, the school is allowed to grant degrees of Associate and Business Science. As to Concord College, it is allowed to grant degrees of Associate and Business Administration and Associate in Computer Science. This bill was amended in the House, the degree granting power was allowed through 1977 and the House amended it through 1975. The bill also goes on to give indefinite degree granting powers in the area of Associate in Arts and Associate in Science subjects to the continuing approval of the coordinating board of Advanced Education and Accreditation. The bill also strikes out the degree granting power given to Pierce College for Women.

Adopted. Ordered to third reading.

HB 368

authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Ought to pass. Sen. Johnson for the Committee.

HB 368, authorizes the Governor to enter into a contract with Dartmouth Medical School to guarantee openings for New Hampshire residents. This follows up the contract with the University of Vermont being phased out. As Robert Auston, UNH member of the premedicine Advisory Commission states, "it actually provides a small New Hampshire medical school." Starting with fiscal 1974, five slots in the medical school will be reserved at \$5,000 each. The balance of the money appropriated will be used to assist New Hampshire students, using as a basis, of the difference between UNH tuition and Dartmouth Medical tuition. There is a repayment plan with a forgiveness clause for New Hampshire practitioners. The sponsors of the bill, along with one graduate and two UNH seniors testified.

Sen. FOLEY: Mr. President, I rise in support of this measure. I noticed that the bill says "his" everywhere student is referred to. I am hoping that an equal opportunity will be given to all students who decide to go to medical school and I am hopeful that some women will take advantage of it.

Sen. JOHNSON: Senator Foley, that point came up at the hearing through a suggestion and amendments which you brought in yourself and the Committee felt that it went without saying that equal preference would be given to girls and boys.

Adopted. Referred to Finance.

Sen. BLAISDELL: I would like to introduce a good friend, Mr. Charlie Plimpton.

Sen. NIXON moved reconsideration of SB 28, establishing a bill of rights for mobile home owners at this time.

Sen. NIXON I do move for reconsideration of SB 28 and the reason for, that we may be allowed to have it taken up next Tuesday. You may recall Mr. President, that we acted on this bill in the first instance in Portsmouth, which was nearly one month ago and there were several questions raised regarding the provisions in the bill and the proper interpretation. Thereof Notice of Reconsideration was requested at that time which there was no objection to by the sponsor of the bill. However, I have looked into the matter and I do not feel that the interpretation that was raised about the bill as to its purpose and proper construction were what was actually intended or written. Thus, I hope that the Senate would act upon this bill as soon as possible after a period of time to give notice of Reconsideration and an opportunity to prepare appropriate amendments or discuss it further with the sponsor. Thank you Mr. President.

Sen. LAMONTAGNE: I thought that this SB 28 was already passed and already received consideration, is this so?

Sen. NIXON: As I understand, yes, the bill was passed and notice of Reconsideration under the rules was given the next morning which means that it did not go to the House and it is in the Senate until such time that it is reconsidered and moved and then the bill is made a special order of business, as I understand it we cannot pass it as a Senate bill and get it into the house.

Sen. LAMONTAGNE: If that is the case, it is just reconsideration that has to be brought up at the Special Order of Business??

Sen. NIXON: That is correct as I understand it.

Sen. LAMONTAGNE: I thought the thing had to be recommitted because we already passed it?

Sen. NIXON: You are correct on both interpretations as I believe.

Adopted.

Sen. NIXON: I move that SB 28 be made a special order of business for Tuesday next, April 3, at 1:01.

Adopted.

HB 111

to repeal peace bond on appeal from conviction for driving while intoxicated under the influence of drugs or recklessly. Ought to pass with amendment. Sen. Bossie for the Committee.

Sen. BOSSIE: There seems to be some confusion as to the amendment of HB 111. The Chairman of the Judiciary Committee, Sen. Bradley is unable to be here and he was the one who prepared the amendment and with that in mind, I would like to ask the Senators to continue this matter until next Tuesday so that we would be able to have a full and adequate discussion of this matter.

Sen. BOSSIE: I move that HB 111 be made a Special Order of Business for April 3, at 1:02 p.m.

Adopted.

RECESS

OUT OF RECESS

HB 403

lowering the age of majority to eighteen. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, HB 403 was amended in the House to delete certain sections, which I will explain in a moment. As you know, this bill was SB 57 which was sponsored by Sens. Bradley, Spanos, Nixon, and myself. If this HB should be amended in the Senate it might only be to include these Senate sponsors plus Sen. Jacobson who had some years ago sponsored similar legislation. It might also include as sponsors Rep. George Gordon a former State Senator, Dick Leonard and a former Rep. Doris Riley.

Further, as was noted during the floor action on the Senate version a few weeks ago, lowering the age of majority from 21

to eighteen is not the purview of any one person or any one political party. We are all aware of the need for the passage of this legislation. The House amendments included the addition of the common law abrogation as we did in our Senate version. The House further amended the bill by eliminating several sections which were briefly: Section 9, welfare aid to dependent children, the age was left at 21; Section 29-32 inclusive, education to the handicapped was left at age 21; Section 49, dealing with physically or mentally infirmed support for these. These three particular groups were left at age 21. The other amendment which was supplied in the House pertains to Section 41 through 44; The House left the uniform gifts to minors act as is and deleted the change. This does not mean that a donor cannot dictate or specify some other age than 21 but it maintains the uniformity of our laws. There were no other amendments in the House version of the bill. The Judiciary Committee concurred in these amendments and we recommended that it ought to pass.

Sen. NIXON: As a co-sponsor of the bill, together with vice president Spanos and Senator Bradley, I would just like to say that the Senate having heard the debate on the issue on the 18 year old majority many times we certainly concur in the sound judgement of the Senator most responsible, Senator Bradley, for the work of preparing an appropriate bill to reduce the age of majority in New Hampshire from 21 to 18, and concur on his judgment that the Senate pass the House bill because, as you well know Mr. President, any time that a bill of general popularity like this one comes along there are many sponsors in both the Senate and the House who wished to be recorded as sponsors thereof.

A difficult problem comes down to the fact that we can only pass one bill all the way through, either a Senate bill or a House bill. In this instance the Senate is taking the initiative having already passed the Senate bill which now lies in the House, acting finally on the House bill so that the House sponsors, Rep. Zachos, Rep. Frizzell and Rep. Coutermarsh can be recorded, for what it is worth, as sponsors of the bill which reduced the age of majority to 18.

As far as the merits of the bill, all of which have been debated and subject only to thoughts that may come from others here in the Senate who may be opposed to this concept, I can

only say, and I think that I reflect the view of all the sponsors on both sides of the wall in this regard, that one of the things I think needs to be done in this area is to create adulthood or grant adulthood, if you will, to the boys and girls at an earlier time than perhaps has been our tendency in more recent years, particularly since WWII, with the idea in mind that they are encouraged by the knowledge that they are, in fact, legally adults at the age of eighteen. They will at an earlier time in their lives act as adults and we are taking a calculated risk in doing this, in a sense that we feel that the moderate majority will act responsibly by being allowed to do contractual things and to drink, if you will, alcoholic beverages at the age of eighteen as opposed to twenty-one.

We feel also that the many minded minority will abuse the privilege but I think statistics elsewhere in other states and all of the states surrounding us already have granted adulthood at eighteen. They show that the matter of using judgments in such areas as drinking to excess is not necessarily related to one's age, whether it be eighteen or whether it be eighty.

Thus, we feel that the advantages of granting adulthood at an earlier age outweigh the disadvantages and we can only appeal to those who are in the age group of 18 to 21 to use that judgment in their conduct which will indicate that our judgment in granting adulthood was the right judgment for New Hampshire. Thank you, Mr. President.

Sen. GREEN: You made reference to three differences between the two bills SB 57 which was already in this body and HB 403. I would like to ask you to reiterate again those three sections and what the feeling of your committee was in terms of why they were dropped or why it was necessary that they be deleted from the Senate Bill?

Sen. PORTER: Actually Senator there were four specific groupings, two or three of them, let me review those sections again. Section 9 — welfare aid to dependent children was left at the age of 21.

Sen. GREEN: Instead of 18?

Sen. PORTER: Instead of 18. It is currently at 21 and it was left at 21. Sections 29-32 deal with education to handicapped children, that is already at age 21 and it was left at age 21. It

was felt that these people needed this additional help in any of these cases. Also Section 49 dealing with physically or mentally infirmed children, and these are the specific sections that were left at 21.

Sen. GREEN: By leaving those at 21, does that mean that those people who are younger people 18 to 21 do not have the advantages of those particular sections?

Sen. PORTER: No, they do have the advantage of help through age 21 as they currently do.

Sen. SANBORN: You say section 9 is relative to welfare recipients, can you tell me the thinking behind the committee and the sponsor of the amendment, that would allow those between 21 to remain on the welfare role?

Sen. PORTER: I would like to defer that to Sen. Bossie.

Sen. BOSSIE: This was one thing that was not mentioned and it was included in the new section. It provides for welfare assistance to dependent children from the ages of 18 to 21 but only if they are still in school and I think that this is the answer that you are looking for, only the children who are still in school are still eligible for welfare assitsance under ADC.

Sen. SPANOS: What is the effective date of this legislation?

Sen. PORTER: This legislation takes effect 60 days from signing.

Sen. LAMONTAGNE: I, as a member of the judiciary committee, have said to my committee, that seeing that 400 members of the House have voted for the 18 year old I would not have voted as I did for the Senate bill, but I certainly want the record to show that I am still not convinced that this is good legislation. I am still worried about the 15, 16 and 17 year old problem. This is a problem that we are facing today with the 19 and 20 year olds as far as drinking. I feel that this is going to create a problem and at the same time I am not ashamed to say this, that I feel that the eighteen year olds are not matured enough, and besides that I personally feel that it is going to make the eighteen year olds, going to high school having to pay the resident tax, and they haven't got a job and therefore, this is going to fall back on whom? The parents or the guardians of these teenagers. This is the reason why I am still not con-

vinced that this is a good law. But I am still going to vote with you.

Sen. BOSSIE: I rise in favor of this bill, as you know SB 57 was passed approximately a month ago in Portsmouth overwhelmingly, and it contained most of the segments of this HB 403, and I would like to say that I believe that the House version including the differences in these four sections as Sen. Porter pointed out, makes the bill much more palatable, that it protects the handicapped children and the children who are infirmed. I do support this bill in its entirety. I think it is just marvelous.

Sen. SPANOS: Mr. President, I rise in support of this bill as it is amended by the House and I only rise for one reason, and that is to inform the young people here this evening that although the eighteen year old age of majority from 21 to 18 is a significant step in adulthood, it does give you certain rights and what I call the sweets of the law, it does also impose upon you some very significant burdens and these I call the bitters of the law. You are going to be allowed to contract now, you can go out and buy automobiles, food, buy clothes, go out and hire an attorney, a doctor, and then you are going to be responsible for those bills, and you won't be able to hide behind the law as it used to be. You will have to pay the resident tax which is \$10.00 and that is a minor item for the right to be an adult. I am just trying to say that even though this is a marvelous thing that is being done here that it also carries with it a responsibility on your behalf to be citizens of the community as your parents who have the same responsibilities and enjoy these rights.

Roll Call requested by Sen. Green and seconded by Sen. Porter.

Yeas: Sens. Lamontagne, Poulsen, S. Smith, Gardner, Green, Jacobson, Spanos, Nixon, Blaisdell, Porter, McLaughlin, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Foley.

Result: 20 Yeas, 0 Nays.

Sen. NIXON: Before I introduce a guest I would like the record to show that Senator Preston and Senator Trowbridge as I indicated earlier are on official business in Washington,

D. C., the nation's capital, and they did wish to be recorded as being in favor of HB 403 the age of 18 majority bill.

Sens. Trowbridge and Preston wished to be recorded in favor of this bill.

Adopted.

Mr. President it is now my pleasure to introduce to the Senate as a friend and a guest and a distinguished member of the bench and Bar of New Hampshire, long in the forefront of judiciary reform, the Hon. Bernard I. Snierston, Justice of the Laconia District Court.

SB 51

to provide workmen's compensation benefits for persons who are compelled by statute to assist in fighting a forest fire. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President, certain people appeared in favor of this bill, Senator Poulsen in favor, Director Ted Natti, Chief of Forest Service and others. The sponsor of the bill is Senator Poulsen. The Judiciary committee reported that the bill ought to pass. This bill provides workmen's compensation to volunteers who are not listed and who are not covered under our present laws. This bill will cover the volunteers who are fighting forest fires. This bill has no appropriation and it is purely for an emergency case, in that there is no forest fire.

Sen. BLAISDELL: Does this mean if I am walking down the street in Keene that somebody can grab me to volunteer to fight a forest fire and that I will be covered under workmen's compensation?

Sen. LAMONTAGNE: Yes, you will be covered under workmen's comp.

Sen. GREEN: You said that there was no appropriation for this bill?

Sen. LAMONTAGNE: No there isn't.

Sen. GREEN: If there is a forest fire situation at that time would there be money available for this?

Sen. LAMONTAGNE: It would be covered by the department. Right now as there is no forest fire it would be pretty hard to set an appropriation for it, it will be covered.

Sen. GREEN: Do you feel that it would require an appropriation at that time?

Sen. LAMONTAGNE: I feel that it would not require an appropriation.

Adopted. Ordered to third reading.

Sen. GARDNER: At this time I would like to introduce someone that is very special, Ebba Johnson, who reported for the Laconia Evening Citizen for years on all legislative affairs. We are delighted to have you with us.

HB 263

repealing the statute relative to sewage disposal systems on islands. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President and members of the Senate, this is simply a housekeeping bill to erase a statute that is no longer needed and is covered by RSA 140-E and other legislation. This is the first of a series of bills and amendments relative to disposal of waste. It is related to certain islands, principally the islands of Winnepesaukee. Later 149-E was adopted and it covered sewage disposal within 1000 ft. of any water. Now, it covers sewage disposal throughout the state. As I said this is just a housekeeping measure and I hope you will look favorably on it.

Adopted. Ordered to third reading.

HB 391

relative to abolishing sterilization of epileptics. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President and members of the Senate, this bill is relative to abolishing sterilization of epileptics. This bill abolishes the involuntary sterilization of epileptics who are inmates at state or county institutions. It hasn't been used for ten years and it should be taken off the statutes. I recommend its passage.

Adopted. Ordered to third reading.

HB 423

relative to the boards of examiners of nursing home administrators. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill provides that members of the board of examiners of nursing home administrators which are not institutional members shall have no direct financial interest in any nursing home. This bill just classifies that the non-nursing home members shall have no financial connection with the nursing home and I urge its passage. It is just a housekeeping bill in effect.

Adopted. Ordered to third reading.

SJR 5

providing a supplemental appropriation for the cancer commission. Ought to pass. Sen. Gardner for the Committee.

Sen. GARDNER: This Joint Resolution allocates an additional \$40,000.00 for the Cancer Commission for the fiscal 1973. The total number of patients being involved in the program over the years remained practically the same, around 200. The committee felt the need for this supplemental appropriation for the Cancer Commission and it was necessary for the following reasons. 1. The tendency of the medical community to approach patients with far advanced disease much more aggressively has increased. 2. Comparing expenditures from 1968 to the half year of 1973, it shows that expenditures have increased rapidly. This is due in part to the increasement of the number of treatments, high dosage, expensive drugs, professional fees, diagnostic tests and so forth has increased 64% as assistance and support. The average cost per person has increased from \$430.00 to \$673.00 during that time. However, administration costs have remained the same. Help through the Cancer Commission has resulted in some cures and improved quality of life. The committee hopes that the Senators will vote in favor of this legislation so that we can still provide the necessary treatment of those who are certainly unable to do it themselves.

Adopted. Referred to Finance.

HJR 14

relative to a supplemental appropriation for the board of nursing education and nurse registration. Ought to pass. Sen. Gardner for the Committee.

Sen. GARDNER: Mr. President, this bill is relative to a supplemental appropriation for the board of nursing education

and nurse registration. The money involved is only a transfer to provide for obsolete equipment and parttime help who will be able to bring the records up to date. They have used this equipment since WW II and I am so happy to see that they have finally been recognized.

Sen. NIXON: Mr. President, would you explain to me and those present why the last two bills were referred to the Committee of Finance rather than voted on by the Senate at this particular time?

Sen. JACOBSON: The Chair will state that each of these bills, this one that we just acted on and the one previously had appropriations and therefore, in order that the Finance committee may review the appropriations, they were sent to the committee on Finance rather than voting on them at this particular time.

Adopted. Referred to Finance.

HB 95

requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license. Inexpedient to legislate. Sen. McLaughlin for the Committee.

Sen. SANBORN: Mr. President, the committee reviewed this bill and there were two or three people from public health there. They couldn't seem to muster very much encouragement for this bill. They had plenty of material available but the committee felt that the majority of this material that is sent out to the Town Clerks would probably in fact end up file 13 or thrown away by the recipients and that there are plenty of places where this material may be available to anyone who desires family planning. Accordingly, we think that this piece of legislation is not needed on the books at this time and we recommend it to be inexpedient to legislate.

Division Vote: 14 Yeas, 6 Nays.

Motion adopted.

SB 66

to provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, SB 66 will allow the Department of Resources and Development to help protect the rock formation known as Old Man of the Mountains, a symbol of New Hampshire. It is subject to cracks, freezing action, wind and rain penetration. This is breaking up the rock formation. It is guyed and turnbuckled and the seams are sealed but they keep working. This bill would allow the reinstallation of a seismograph that they used some years ago. This would monitor the movement of the earth. The appropriation called for the first year is \$22,000.00 and \$17,000.00 for the second which would pay for the use of the equipment. This equipment would be on loan from the National Survey Department.

Mr. President, I am sure that all of us in the Senate and all of the people of New Hampshire realize what an important symbol the Old Man of the Mountains is to the state of New Hampshire. We are recognized the world over for this phenomenal rock formation. I urge the adoption of the committee report to keep the Old Man of the Mountains in as good a condition as possible.

Sen. BLAISDELL: Sen. Poulsen, are you the sponsor of this bill?

Sen. POULSEN: Yes.

Sen. BLAISDELL: Are you really the Old Man of District No. 2?

Sen. POULSEN: I have been known as the Old Man of Dist. No. 2.

Adopted. Referred to Finance.

HB 73

providing for better control over subdivision development of land in New Hampshire. Ought to pass. Sen. Brown for the Committee.

Sen. JACOBSON: The chair would like to inquire, does this bill have an amendment?

Sen. BROWN: No, there is no amendment.

Mr. President, HB 73 would make it mandatory for all subdivisions to receive all necessary permits before starting constructions. This is to prevent large amounts of money being

invested by developers, only to find that they do not meet the requirements to obtain the necessary permits. Thus, possibly forcing them into bankruptcy. This bill will in no way prevent the developers from making all of the necessary tests, boring and digging of test pits or whatever is necessary to obtain these permits.

Sen. FERDINANDO: Senator, if I understand this bill, anybody who wanted to put up a two family house in a small lot or intended to clear land on their lot they would have to go to the water pollution department. Is this the way I understand this bill?

Sen. BROWN: I think you will find that is the present law, whether it be a single home or a subdivision they would still have to go to the water pollution department to get a permit for septic systems and other things.

Sen. FERDINANDO: I do so Mr. President because it has been brought to my attention by one or two builders, who just felt that this bill, the way it reads, would bring some hardship in their cases. I would like to get some better arguments to inform the rest of the Senate so we can all be informed as to what we are doing here.

Sen. POULSEN: I certainly will not object to making this a Special Order of Business but this is a good bill and it is needed by many towns against subdividers forcing their way past zoning regulations by investing money and then using that as an argument.

Sen. LAMONTAGNE: Can you tell us whether or not there are any changes in the 1,000 ft. from any watershed. Is there any change in this?

Sen. BROWN: No, there is not, it is still the same law. The distance from the watershed will continue to be the same as in the present law and this bill does not effect that.

Sen. LAMONTAGNE: Even though some questions have been answered I still support the special order.

Sen. GREEN: Before I make up my mind on voting on this special order, I would like to know, in reference to the last paragraph, you stated orally that you didn't feel that this would not allow for test boring and other preliminary testing before

getting water supply and pollution control approval. As I read the bill it is the other way around. Could you clear this up?

Sen. BROWN: As I said before to obtain these permits, the intent of this bill is not to stop them in any way from going in and performing all of the necessary tests, they have a right to go in and do this.

Sen. GREEN: I must be having a hard time with the language of this bill. It says in this paragraph that nothing shall be construed to prevent the taking of tests —. My question has been answered.

Sen. PORTER: Mr. President I don't really want to oppose the request from Sen. Ferdinando for a Special Order of Business, however, this bill was amended in the House and I would recommend that if he has further questions that he might address himself to the amended version which the Senate did receive and they did not apply any further amendments. The bill is really a clarification of sub-divisions. As I understand it it removes the question relative to the intent to subdivide or when the developer can go on land and what he might do. It insures the developer, in fact, that he won't get into near bankruptcy by doing a great amount of work on land that will never receive a permit, and if anything it might protect the developer from his own acts. This bill seems very simple and it was well attended at the public hearing and I really question the need for further delay of this bill. However, I will reluctantly support making this a special order of business for next week.

Sen. SANBORN: You just said that the amendment — now the one we had in hand would we have the amended version or the original version?

Sen. PORTER: You have the original version.

Sen. SANBORN: We have the original bill not the amended version then?

Sen. PORTER: Not the version amended by the House.

Sen. SANBORN: I would suggest that if this is made a special order of business, that the Clerk see to it that each one of us gets a copy when they send out the amended version so that we can see what it does and they can do this when they send out the Journal to us.

Sen. FERDINANDO: I move that HB 73 be made a special order of business for 1:03 p.m. next Tuesday.

Adopted.

SB 5

to provide recognition of the war service of residents of this state who served in the armed forces of the United States during the Vietnam conflict; and making an appropriation therefor. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: This bill provides for the payment of a bonus to residents of this state who actively served in the armed forces of the United States for 90 days between August 5, 1964 and the end of hostilities in Vietnam as declared by the Congress and was released from active service under conditions other than dishonorable. Such bonus would be paid to such persons or his surviving spouse or children or parents upon application to the State Treasurer. The amount of bonus would be \$10.00 per month for each month of active service not exceeding \$100.00. The bill appropriates two million five hundred thousand dollars to pay for such bonuses and authorizes the state treasurer to issue bonds and notes to provide for the appropriations.

Those appearing at the hearing in support of SB 5, Hubert O'Neil representing 21,000 veterans, Legionnaires, the VFW, the Disabled American Veterans, and the Catholic War Veterans. To be fair, I would like to say on my committee that it was not an unanimous vote but it was a majority vote that it ought to pass.

Sen. NIXON: Senator Lamontagne, two years ago a similar bill was proposed in the Senate and at that time one of the Senators was in fact a veteran of the Vietnam war. Like many others here in the Senate I am a veteran myself, not a veteran of any war in my case. At that time he stated that the Vietnam veterans did not want a bonus of \$100.00 but what they did want was a job opportunity, and educational opportunity and recognition of the fact that they had served their country, sometimes unwillingly, but they didn't want a handout, so to speak, and I think I paraphrased his words correctly. In my own case I am very thankful for the GI bill of rights that afforded me an opportunity to educate myself, but I was not interested in any \$100.00 bonus. Was any consideration given to that viewpoint or was

any Vietnam veterans there who had come back from Vietnam and asked for this bonus as opposed to say, an educational opportunity, a job opportunity to take his place in society and be recognized as a responsible adult and move forward that way?

Sen. LAMONTAGNE: Your question is very long Senator, but I will try to answer it the best I can. I would say that during our hearings we did not have the soldiers make that statement two years ago although there was an ex-Senator who voted against it before and at this time appeared neither for or against the bill. At the same time there was no evidence given to the committee as you so stated, although there was nothing else but veterans organizations in support of SB 5.

Sen. FOLEY: I am very much in favor of this bill. For the audience, can you tell in round figures how much this will cost the state?

Sen. LAMONTAGNE: Right now we are asking for two million five hundred thousand dollars. Now, two years ago a request was made for only half, but right now we are asking for two million, five hundred thousand because right now there are quite a few veterans who are being discharged and to be honest with you I don't feel that this figure will be sufficient two years from now.

Sen. SPANOS: In viewing the whole picture of the economic situation in the state of New Hampshire do you consider that this appropriation of $2\frac{1}{2}$ million dollars a priority for us to expend when we have problems like community health clinics and aid to education and what have you. Do you put it for one of the tops for us to consider?

Sen. LAMONTAGNE: I have a lot of confidence in the Senate Finance Committee and I feel that it should be their judgment whether this is right or wrong. It's got to go to Finance. We are not passing it today. It's only approving the Ways and Means Committee Report. It has to go to the Committee on Finance and I have a lot of confidence in them and I will leave it in their hands on what the priority should be.

Sen. SANBORN: Sen. Lamontagne, is it true that this bill that we have before us is quite similar to the one that was passed for the Korean Veterans?

Sen. LAMONTAGNE: Yes, it is the same as the Korean War Veteran but it is not the same as WW II, it is different.

Sen. SANBORN: Is it true that at the time the Korean War bonus was passed the intent was that the 5% of the 10% allowed to clubs, to procure their liquors through the State Liquor Commission was removed by Senate passage so that it would pay for the Korean Bill?

Sen. LAMONTAGNE: Yes, it is true. The Korean War Veterans bonus was paid back by the percentage that came from the clubs.

Sen. SANBORN: Is it further true Senator that even after the Korean Bonus was completely paid that it was never restored to the original 10% average, that it still remains the 5% coverage and the money is still coming into the state?

Sen. LAMONTAGNE: Yes, it is true, it was never returned back to the clubs and therefore it is still 5% and at the same time the bonus for the Korean War Veterans has already been paid with the balance.

Sen. BOSSIE: I am perhaps the only Senator who would qualify for this bonus and I have a few questions for you. Did you intend to have this bill apply to only those people who served in the Vietnam war?

Sen. LAMONTAGNE: That was my intention in the beginning but it does not say that in the bill now, it says for anyone who has served in the armed services during the time of the Vietnam War.

Sen. BOSSIE: As a member of the New Hampshire Air National Guard, I served on active duty for four months during the year of 1966. I would qualify for this bonus and I have since served on a weekend capacity for seven years. Now, do you feel that it is proper for an air national guardsmen, a national reservist to receive this benefit? We did not leave the state of New Hampshire and there are many veterans that actually did fight in the Vietnam conflict.

Sen. LAMONTAGNE: If you are serving and serving during the time of the emergency of the Vietnam conflict and you served during that time you were called in on active service, yes you would get it. If you were just serving in the national guard, No.

Sen. PORTER: I note that the award is only \$100.00, it seems that if you are going to make true recognition that perhaps you should make it larger so to make it a little more meaningful, more like \$1,000.00. Have you given any consideration to that?

Sen. LAMONTAGNE: No, we did not. I am the sponsor of the bill and I am in favor of giving to the boys who served in the Vietnam War and during the time of service equal payments as it was during WWII and the Korean War. At the same time, let me add that anyone who objects and doesn't want the \$100.00 does not have to apply to the treasurer.

Sen. NIXON: Senator Lamontagne, on behalf of the Senate, I know you have this feeling and I commend you. You having been a veteran of the Navy a past DAV department commander, past aid to the national commander, and a member of the national finance of DAV and in the national legislative office of that organization, I commend you for your continuing efforts on behalf of the veterans in our state. I think that the questions that have been asked to you in no way reflect hostilities on the bill that you have so ably sponsored. I do think however, there is a concern on the part of the Senate to the total dollar amount and also a desire that perhaps that the service to their country and to the New Hampshire are the veterans of the actual combat who served us in New Hampshire quite possibly be more meaningful to them and thus to our state if it were to reflect encouragement to educate themselves and establish themselves in jobs rather than just as in the old days provide them with a dollar amount and having in mind that I support and I am sure that the Senate in its entirety will support this bill that is being considered on the financial question being determined by the Senate Finance Committee. I would like to see as a request suggestion only that some consideration be given to the possibility of encouraging Vietnam veterans to locate themselves, to get established in vocational technical areas or educate themselves with some financial assistance acting as an encouragement such as the GI bill or something on the state level. That is only a suggestion and I again commend you Senator in your efforts in the Senate in this direction.

Sen. LAMONTAGNE: Thank you very much Senator. I personally feel that I would like to see this bill passed today and referred to Finance for further consideration. At the same

time I would like to answer the comment made by Senator Nixon. I feel that your recommendation is good and sound. At the same time I am very much in favor of seeing the Vietnam boys get the same as I got during WWII and at the same time, the boys which I supported in the Korean conflict and I only think it is fair that they should get the same amount as what I got as a WWII veteran. As a WWII veteran I would certainly not be jealous if they got more than what I got as a WWII veteran. I would support anything in any way that would make it better for these veterans who are returning home. Now the WWI veterans gave us the bill of rights that we had during WWII. Things would have been a lot worse. We can thank God that WWII did not have what WWI got when they got back home. At the same time, we can thank God that the WWII veterans and the WWI veterans saw to it that the Korean Veterans got what belonged to them. Now, it is up to us and all of the organizations as well as us members of the Senate to do everything we can to help those boys who are returning from Vietnam.

Sen. FERDINANDO: I move that the Senate bill be passed for one reason that it goes to the Finance committee with the hope that there may be windfall and they will have so much money to spend that they will be able to give this bill some further consideration.

Adopted. Ordered to Finance.

Sen. GREEN: I would like to take this opportunity to recognize some former residents of Rochester, a former schoolmate of mine, and teammate on the basketball court, Harold Faye who is here today with his wife and two of his three children. I would also like to introduce someone sitting in the back there, Robert Hickey. I also saw in the audience a former teacher of mine Charlie Beard.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in the Late Session to be the business at the present time, that bills be read by title only and that when we adjourn we adjourn until Tuesday at 1:00 p.m. and in honor of Edward Gallagher, first Senate Reporter.

Adopted.

Sen. GARDNER: I would like to thank at this time Mayor Dyer, Mr. Martin Harwood, Principal of Laconia Memorial Jr.

High School and all those in the Laconia and Gilford School system who have helped me make arrangements; Mr. Harold Knowlton, chief of Police and his officers; Edward J. Gallagher, Laconia Evening Citizen; The Press, Earle Anderson, Ray Smith, Betty Trask; Radio Stations WEMJ and WLNH; Rev. Kinsley; James Jendrysik; Mrs. William Zachenhausen, president of the League of Women Voters and other members of the League; Annette Durkee, Registered Dietitian, and Director of the School Lunch Program and the members of the Jr. High School Student Council who will serve us lunch, Mrs. Walker, bookkeeper of the School Lunch Program, Mrs. Beatrice Joyel, and Mrs. Pauline Gallant; all the teachers and pupils for their cooperation and all those who have attended this session.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I am not going to keep you long but I personally feel that being the Dean of the Senate there are some familiar faces here today and they are the ones that I would like to at least pay tribute to. One is Mrs. Jensen who was a reporter back in the 1950's and I am certainly glad that she came over to see me. Thank you very much you haven't changed in age in any way. The other one is Robert Anderson and he is seated in the front row and he is from Hanover and it is good to see him. Another great person that I was so happy to see here today and to have the Senate honor this man because this man deserves to be recognized by this resolution which was passed by the Senate because for many years this man has been a very good public servant. Mr. Gallagher I am very proud the senate did this resolution for you.

PERSONAL PRIVILEGE

Sen. SPANOS: Today we honored Ed Gallagher, a journalist who ranks at the top in his field. And, therefore, what I expect to say at this time, is quite timely.

Tuesday of this week, the House of Representatives killed the bill which would have allowed news reporters the right to withhold the identity of their news source without the fear of prosecution. It is the so-called "Shield Law".

I am not going to get involved in the merits or demerits of the bill, except to comment that we have reached a sorry state in our times when we have to worry about shielding reporters for searching out the truth. It is obvious that the intimidation

of the press, radio and television by certain high governmental officials and the secrecy of governmental activity has brought about this demand for anonymity and immunity.

Anyway, I arise to specifically comment on the fact that in his Inaugural Address, the Governor indicated he would look favorably upon legislation of this nature because he believed that the people of the state should receive the news. But this week, two or three of the Governor's top lieutenants in the House crucified the bill, the news media and the sponsors. Never once did the Governor raise his voice to save the measure.

Why did he change his mind? I think it is because, shortly after the Inaugural Address, he became the center of attraction as a result of his tax search. This search was disclosed to the public by a news reporter who refuses to disclose his source — news that would not have been available to the people of the state if the source were to be revealed.

My question is, what kind of government are we going to have over the next two years if the Chief Executive advocates legislation, and then turns his back on it when the spotlight is turned on him and his staff? It represents a duel standard that can only bring disrepute to the whole of the governmental process and a loss of confidence in the public official. This is something we do not need these days.

LATE SESSION

Third reading and final passage

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to put on third reading and final passage at the present time HB 146, HB 403, SB 51, HB 263, HB 391, HB 423 and that we dispense with the reading of the titles and act on the bills as formerly read by the Chair.

Adopted.

HB 146, relative to the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women.

HB 403, lowering the age of majority to eighteen.

SB 51, to provide workmen's compensation benefits for persons who are compelled by statute to assist in fighting a forest fire.

HB 263, repealing the statute relative to sewage disposal systems on islands.

HB 391, relative to abolishing sterilization of epileptics.

HB 423, relative to the board of examiners of nursing home administrators.

Adopted.

Sen. PORTER: I move reconsideration of HB 403.

Motion lost.

Sen. Provost moved the Senate adjourn at 2:08 p.m.

Tuesday, 3Apr73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

It is good for us to be here this day, as we take up our duties again.

Help us, O Lord, that a strong sense of fellowship may exist between us as we work together within a unity of Spirit and a common bond.

Hear our prayer, O God, and let our cry come unto Thee.
Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Commissioner of Health and Welfare Gerard Zeiller.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 119, providing for a five year term of office for the commissioner of Employment Security. (Smith of Dist. 3; Trow-

bridge of Dist. 1; Green of Dist. 6 — To Executive Departments, Municipal and County Government.)

RECONSIDERATION

Sens. NIXON and SPANOS: Mr. President we wish to file notice of reconsideration of HB 95, requiring distribution of list of family planning agencies and services available in N. H. with the issuance of every marriage license.

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 394, relative to providing education for handicapped children. Public Health and State Institutions.

HB 356, relative to abandoning animals. Resources and Development.

HB 456, relative to definition of actuary under the New Hampshire retirement system. Executive Departments.

HB 458, relative to the authority of the state treasurer with respect to certain accounts. Finance.

HB 444, legalizing the annual town meeting held in the town of Barrington on June 13, 1972. Executive Departments.

HB 347, to increase the fees for a recount for a delegate to a national convention. Executive Departments.

HB 102, providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport; and making an appropriation therefor.

HB 395, relative to consumer credit reports. Judiciary.

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company and changing the notice requirements when the charter is amended. Banks, Insurance and Claims.

HB 383, relative to filing a report of catch of fur-bearing animals. Recreation and Development.

NON-CONCURRENCE BY HOUSE ON SENATE BILL

SB 35, prohibiting the placing of razor blades or harmful substances in Halloween food or drink.

HOUSE CONCURRENCE

SB 42, relative to excepting certain pupils from authorized regional enrollment area school agreements.

HOUSE CONCURRENCE OF SENATE AMENDMENT ON HOUSE BILL

HB 228, relative to requirements for renewal of chiropractor's license.

ENROLLED BILLS REPORT

HB 228, relative to requirements for renewal of chiropractor's license.

HB 263, repealing the statute relative to sewage disposal systems on islands.

HB 391, relative to abolishing sterilization of epileptics.

SB 42, relative to excepting certain pupils from authorized regional enrollment area school agreements.

Sen. Provost
For The Committee.

RECESS

OUT OF RECESS

NON-CONCURRENCE BY THE HOUSE ON HOUSE BILL WITH SENATE AMENDMENT AND REQUEST FOR COMMITTEE OF CONFERENCE

HB 349, relative to a census of persons as of April first and a separate listing of homestead residence property.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives Reps. Russel Chase, Bednar, Hanson and Murray.

On motion by Sen. Jacobson the Senate voted to accede to the request for a Committee of Conference.

The Chair appointed as members of said Committee on the part of the Senate, Sens. Downing, Johnson, Blaisdell and Poulson.

Adopted.

Introduction of Commissioner of Health and Welfare Gerard J. Zeiller to speak on the functions of his department.

DEPARTMENT OF HEALTH AND WELFARE

Commissioner Zeiller addressed the Senate as follows:

Mr. President and Honorable Members of the Senate —

It is a pleasure for me to be here today and to address the New Hampshire Senate, and I appreciate very much the invitation from Senate President, David L. Nixon, to talk to you.

Not only does the Department of Health and Welfare have approximately one-third of all the state employees — some 2219, but the department also spends, besides federal grants, approximately 1/3 of all money budgeted in the state in this biennium (FY 1972-1973) : the breakdown is 60M state, 60M federal, 8M local and other, total 128M.

I have had the position of commissioner since January of 1971 and in the past two years, I, like many other people, have reassessed my thinking, particularly in the field of welfare. I came into the job with much of the folklore that seems to surround welfare; for example: that most welfare recipients are just too lazy to work; all welfare mothers have huge families and continue to have children even when their husbands are absent in order to get more money out of the long-suffering state and federal governments and its taxpayers; that there is a lot of fraud and abuse in the welfare system and all we have to do is “crack down” and we will solve everything and stop spending all that money. As far as New Hampshire is concerned, I will tell you, ladies and gentlemen, that all of these comments that I have just made are absolutely untrue. For example: if there is an employable male parent in the household, the state of New Hampshire does not provide that family with any *state* welfare payments. We only provide payments, with no exceptions, to mothers or disabled fathers, with children, who have

been separated, divorced, or abandoned by their spouses. Rather *than welfare families* having many, many children, the actual fact is that the average welfare family is comprised of 3.5 persons; this includes the mother as well as the children.

This number, which is about the same as in the rest of the population, is down from 3.85 of only a few years ago, so welfare families like families throughout the country are beginning to be smaller.

I am firmly convinced that there is little fraud in the state of New Hampshire as far as welfare payments are concerned. We have all seen scare headlines of 10% error — 20% — corrected to 4% error in payments to welfare beneficiaries in various states and anyone who reads that immediately assumes that error means fraud — it doesn't. Of course errors are made; there are overpayments and underpayments. I have found in my department that many of the errors that we make are made by our own workers. (Quality Control Unit)

The errors, far from involving fraud of recipients, in many cases are simply clerical errors made by our overworked employees, while they are determining eligibility and payments. Another statistic which might be of interest to you is that the average amount of a welfare payment in New Hampshire is not a large amount of money. Our average payment for families with dependent children is \$210 per month. You must remember this is for 3.5 people I mentioned before. It is hardly a magnificent sum of money for four people to live on. The average medical payment is some \$22 per month and, of course, this many times is on a one-time basis; it does not continue month after month as do the cash payments for food, clothing, and rent. The most important of all statistics — New Hampshire is among the lowest states in the union, the 47th state, as for number per thousand of recipients in all categories:

We have 37 *per thousand* on public assistance. The *National average* is 72 *per thousand*, *Massachusetts* has 73 *per thousand* (in *Boston* it is 150 *per thousand*), the state of *Maine* has 91 *per thousand*, our neighbors in the state of *Vermont*, 51 *per thousand*; *Rhode Island*, 76 *per thousand*.

It might be more interesting to tell you a little more about the functions of the Department of Health and Welfare rather

than continue with these dry statistics dealing wholly with welfare matters. The department has some 2219 employees, as I said before. 1062 of these employees work at the New Hampshire Hospital in Concord where we have some 1500 patients. *Four hundred sixty-eight* other employees are employed at the Laconia State School and Training Center for retarded children. We have a census of 1061 residents at the school. The other employees of the department are in the Division of Mental Health, the Division of Public Health and, of course the Division of Welfare. The *Division of Mental Health*, in addition to running the New Hampshire Hospital and the Laconia State School and Training Center for retarded, has an ongoing program involving grants of money to help finance *15 locally run mental health clinics* throughout the state of New Hampshire. We also have plans to develop a number of comprehensive health centers with inpatient facilities as well as outpatient facilities throughout the state of New Hampshire. At the present time, one comprehensive mental health center is in operation in connection with the Mary Hitchcock Hospital in Hanover. We hope soon to have one operating in the Manchester area.

The Division of Public Health, in addition to operating the New Hampshire Home for the Elderly in Glencliff, also has the responsibility for tuberculosis, communicable diseases, vital statistics, radiation control, air pollution control, crippled children, MCH, public health nursing, and a program on alcohol and drug abuse, as well as many, many other vital functions necessary to the health and well-being of the citizens of the state of New Hampshire.

At *Glencliff*, we have converted the former tuberculosis sanatorium into a home for the elderly and we get patients for this facility from the New Hampshire Hospital. We hope eventually to have 135 geriatric patients from the New Hampshire Hospital living at Glencliff; 108 now.

We have already touched on some of the background and responsibilities of the Division of Welfare. In addition to the families with dependent children and medical assistance under Medicaid, the division has responsibility for old age assistance, aid to the permanently and totally disabled, and aid to the needy blind, foster homes, day care, child abuse, and other related responsibilities.

Some 28,524 persons receive *money payment* aid of one sort or another from the Welfare Division: of this number, 15,421 are *children*; 6,500 are *adults* who live in the home with these children, mothers in most instances, over 1250 of these *work* full or part time; and the other programs account for the remaining beneficiaries on our rolls.

OAA — 4400 — 2600 in nursing homes

APTD — 1294

Blind — 239

I want to remind you all that welfare families are not people apart. They are not different than you and I. They are just more unfortunate, more uneducated, and perhaps more unlucky. I want to remind you that those of us who are more affluent, more fortunate, better educated, can often buy privacy which is not available to those on the lower end of the economic scale.

I don't have to remind you that some of our best families neglect and beat-up their children, get divorces, indulge in domestic hanky-panky, have V.D., unwanted pregnancies, and abortions, but because they can economically screen themselves from the outside world, their shortcomings are not made public. Because of their economic circumstances, the welfare families' problems are laid bare for all the world to see. In sum, welfare families are no different than your family or mine. They are just more unfortunate and unlucky.

I am sure that many of you know that after a hard and bitterly fought battle, the 1971 Legislature funded the Department of Health and Welfare at roughly the level requested by the Governor in his initial budget presentation. A small additional amount was given us during the special session in 1972.

Simply stated, that meant that the department had adequate funds to provide for our steadily increasing recipient caseload in the Division of Welfare, but funds were cut at our institutions, in the Division of Mental Health in terms of matching funds to local mental health clinics and other areas of the department. It also resulted in a net reduction of 95 *positions* throughout the department, and, of course, did not provide for any increased positions so vitally needed, particularly in the area of welfare.

We are now preparing and justifying our budget for the fiscal biennium 74-75 and once again there is a considerable spread between the departmental request, the Governor's recommendations and funds available. Because of uncertainties regarding Federal regulations, new Federal take-overs, and abolishment of certain programs by the Federal government, great uncertainties exist as to funds available and even uncertainties as to funds needed.

In one area alone, the New Hampshire Hospital, in the biennium 72-73 approximately 18 million dollars has been appropriated and spent. The Governor recommended some 22.4 million and this would seem like a reasonable increase. However, an analysis of the budget reveals that almost 3 million dollars of this increase is for step increases, the pay increase of August of 1972 and fringe benefits which previously had been budgeted under the Department of Administration and Control. Other increases in current expense and other areas represent slight increases which the cost of food and other items have already wiped out: Federal programs which are restricted so that the net real increase in the New Hampshire Hospital budget amounts to something in the neighborhood of \$414,000 for the biennium, or a 2.3% increase. In addition, New Hampshire Hospital requested 300 additional employees and not one was recommended in the Governor's budget.

I do not want to belabor this point or discuss the departmental budget at this time, but this is an example of the problems we are all facing because of inflationary factors, Federal regulations, and other uncertainties over which we have little or no control. It is a difficult administrative problem, it is a difficult budget problem to which we must all put our best efforts to solve.

I appreciated the opportunity of speaking to you, and I will be happy to answer any questions you may have.

RECESS

OUT OF RECESS

ENROLLED BILLS AMENDMENT

HB 403, lowering the age of majority to eighteen.

Amend section 64 of said bill by striking out the last two lines and inserting in place thereof the following:

being observed and to report his findings to the board. The inspector shall be eighteen years of age or over, have a high school education, or its equivalent, and be licensed as a hairdresser under the provisions of this chapter and have held such license continuously for the five years immediately preceding his appointment.

Sen. R. Smith for the Committee

Sen. R. SMITH: The amendment is a technical amendment replacing three lines of the bill which currently were dropped in printing. This merely reinserts it and doesn't change the bill in anyway.

Adopted.

ENROLLED BILLS REPORT

HB 146, relative to the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women.

HB 314, relative to accident and health insurance issued under franchise plan and relative to the expiration date of insurance company licenses.

Sen. Provost
For The Committee.

COMMITTEE REPORTS

HB 4

providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid. Ought to pass. Sen. Ferdinando for the Committee.

Sen. MCLAUGHLIN: Mr. President, members of the Senate this bill amends the definition of employees with respect to public employees and the workmen's compensation law to include volunteer and auxiliary members of ambulances services. This bill provides that any such person whether paid or not who was injured while on duty shall receive the maximum benefit allowable for loss. The committee report was unanimous as Ought to Pass.

RECESS

OUT OF RECESS

Adopted. Ordered to third reading.

HJR 13

making an appropriation to the New Hampshire Hospital Auxiliary. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President this takes \$55.00 and pays it back to the New Hampshire Hospital auxiliary which in turn reimburses Mrs. Francis Sharp for the loss of a coat stolen by an inmate who overpowered one of the nurses, took her keys and left with her coat and the hospital auxiliary paid that sum and would like to be reimbursed.

Sen. GREEN: Am I led to believe that under the present structure that someone cannot receive \$55.00 for a coat without a resolution?

Sen. MCLAUGHLIN: That is correct. No one in the State Hospital had any funds to reimburse for same.

Adopted. Ordered to third reading.

SB 84

providing compensation for conservation officers injured in line of duty. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, SB 84 sponsored by Sen. S. Smith allows game wardens who are injured in the line of duty to stay on the active status, in otherwise while they are hospitalized their pay goes on and they are not charged with sick leave. The committee was unanimous and request that the actual circumstances to be judged by the commissioner, if in his estimation it was an accident while on duty why it goes through.

Adopted. Referred to Finance.

SJR 6

relative to retirement credit for Francis J. Donahue. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, SJR 6 is relative to the reinstatement of retirement credits for Francis Donahue, a state policeman. After five years of service Mr. Donahue resigned in

1963 and withdrew the sum of \$1,080.38. He previously had to reimburse the funds withdrawn. He lost his entitlement because RSA 100:a does not have a provision for employees to reimburse the system. Legislative action apparently is the only way Mr. Donahue can pay back the money and receive credit for this four and two-thirds years of service.

Adopted. Ordered to Finance.

HB 255

permitting the employment in a school district of a learning disability teacher. Inexpedient to legislate. Sen. Johnson for the Committee.

Sen. Smith moved that HB 255 be recommitted to the Committee on Education.

Sen. S. SMITH: Since the action taken by the committee there has been other information offered and we feel that the committee should review the bill.

Sen. JOHNSON: Mr. President I rise in support of the motion by Sen. Smith.

Motion adopted.

HJR 10

providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: This resolution appropriates \$6,000 for the Special Board, also known as the "dredge and fill" board, of the Water Resources Board.

The supplemental request is necessary if the work of the Special Board is to continue through the end of fiscal year 1973. The additional appropriation is to be expended for temporary help and other operating expenses of the Special Board.

Strong support, from board members, environmentalists and conservationists, for passage of this resolution was indicated by those who appeared at the finance committee hearing.

Adopted. Ordered to third reading.

SB 53

to provide the clerk of the federal district court for the dis-

trict of New Hampshire with a copy of the checklist. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: SB 53 provides that every four years, and at the time of the presidential election, that the supervisors of the checklist shall send an unmarked copy of the checklist to the Clerk of the Federal District Court for the District of New Hampshire. At the present time one of the marked checklists of each town and ward is sent to the State library for preservation. There obviously will be very little cost to the towns or cities in providing a copy of the checklist to the Federal Court. The Court, in turn, will use the checklists from the several towns and cities to select jurors for the grand and petit juries.

Adopted. Ordered to third reading.

SB 60

providing that no male under sixteen years of age nor any female under fifteen years of age shall be allowed to marry. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: This bill increases the minimum age of marriage from 13 years to 15 years for a female and 14 years to 16 years for a male. Our committee was all in favor of the report. The probate judge is in favor of raising the age. A letter was sent to the Committee from the Catholic Charities from Manchester also in favor.

Sen. Poulsen moved that SB 60 be indefinitely postponed.

Sen. POULSEN: Under the terms of this bill a girl who is perhaps 14 and pregnant would have to bear her child as an illegitimate child. I don't think we have the right to do that either to the girl or to the baby. I think we are fooling with people's lives and I am greatly opposed to the thrust of the bill. I think it is wrong and I think it would be very wrong to legislate that into law.

Sen. BOSSIE: Are you aware that the state of New Hampshire has the youngest age of marriage laws in the country as to both females and males?

Sen. POULSEN: I am not aware of it nor am I concerned with it.

Sen. BOSSIE: Do you feel that New Hampshire, the area

or in any legal technicality is any different than any other state so that it should permit their children to marry younger.

Sen. POULSEN: I think that perhaps New Hampshire is perhaps a better state than some but I still think the same truism hold that we have no right to legislate any unborn child into illegitimacy.

Sen. BOSSIE: Sen. Poulsen are you aware that in the state of New Hampshire there is a law in regards to statutory rape under which a female under the age of 16 years of age cannot consent to sexual intercourse?

Sen. POULSEN: Yes I am aware of that.

Sen. BOSSIE: Notwithstanding this law that would not permit a female under the age of 16 to give consent to sexual intercourse we should permit them to marry?

Sen. POULSEN: I think that the consent in that aspect is punitive rather than true. I think that there is no actual consent involved in this whatever.

Sen. DOWNING: Senator, under what conditions can a girl and a boy marry now assuming that they have obtained the minimum age the boy being 14 and the girl being 13? Are there any restrictions on their being able to marry at that age?

Sen. LAMONTAGNE: Well right now they have to have their parents' signature.

Sen. DOWNING: Would the bill we have before us change that to the ages of 15 and 16?

Sen. LAMONTAGNE: No it would not. The only thing this bill does it just change the age.

Sen. DOWNING: So that young people at the age of 13 and 14 marrying now according to the law would have to have the permission of their parents in order that they may do that.

Sen. LAMONTAGNE: That is correct.

Sen. FOLEY: I would like to say that even if they have their parents' consent at this stage they still have to go before a probate judge to get an o.k. and sometimes even with the parents there the probate judge can refuse to allow them to get married.

Sen. DOWNING: Senator do you feel that when this bill or this statute was originated that it related in any way to the ability of human beings to reproduce?

Sen. FOLEY: I think that that is the whole gist of the bill.

Sen. DOWNING: Is that ability of age changed?

Sen. FOLEY: I would say that girls mature earlier than they used to if this gives you any information.

Sen. DOWNING: If they are maturing faster Senator and with the same consideration to society as obviously the intention of the original statute, don't you feel that we should probably be going the other way?

Sen. FOLEY: Well to be perfectly honest with you this is not my bill and I would defer to someone else.

Sen. BOSSIE: Senator I think basically the answer to that is that when this law was put into effect that at that time the family unit was much closer. Morality now has perhaps gone down hill somewhat but at that time the family unit was closer and it was not uncommon for children to live with their parents and grandparents within an area of 50 feet. Now with the mobile society that we have people live farther apart. So for this reason unless you want the families to support these children, or welfare to support them, we should raise it.

Sen. DOWNING: Senator with both situations here be it 13 or 14 or 15 and 16, under both situations in order for the young people to marry requiring the signatures of the parents and the courts, what is the purpose of this bill other than just to put us in line with some other states?

Sen. BOSSIE: Yes it does Senator. Basically what it does Senator, in raising the age it puts us more near the majority of other states. I will show by statistics that even though we raise the age for the girl to 15, we will still be the lowest state in the country as far as marriage. In regards to 16 for a boy there will be 10 other states that have this in effect and the rest are higher than that.

Sen. DOWNING: I think Senator you must have misinterpreted my question. What is the purpose of this bill? Do we have a lot of people marrying at 13 and 14 that you hope the bill is going to prevent that from happening, it doesn't seem

like it will help these children in any way shape of manner, in fact it will probably hurt them.

Sen. BOSSIE: I of course disagree with you. The answer to this is by raising the age of one to marry, the purpose of this is not to permit a marriage just in the case of a pregnancy which perhaps is the only reason a judge of probate would let them. I don't think we are doing the children, the parents, or anyone or the state of New Hampshire any favors by allowing these children to marry.

Sen. DOWNING: How many are we permitting to marry Senator?

Sen. BOSSIE: I do not have the statistics Senator, but the probate judge of Hillsborough County did come before the Judiciary committee in favor of this and he said that it was significant but he did not give the exact statistics. Perhaps we could acquire these, but I don't know what they are.

Sen. SPANOS: Sen. Bossie, you indicated that the judge doesn't like the idea of these marriages. What would the judge do in a situation where you do have two children involved, one being pregnant? What would he expect society to do for those two children, at the age referred to as 14, the age that you now want to change? What would you have us do with a child, a boy and a girl that are involved?

Sen. BOSSIE: I don't know what he would do, but in my opinion a marriage certificate would not in any way change things for the better the situation of those two children who are the parents of a baby. The way it is now if the court does not consent to letting these two children marry, and if the girl is under sixteen and she is pregnant then the father is going to be charged with statutory rape. Is this a way to permit one to get out of that charge. If so we should change that law too.

Sen. LAMONTAGNE: Sen. Bossie, isn't there a problem on the seacoast with young people coming to New Hampshire with their parents to get married?

Sen. BOSSIE: Yes, many people who are not residents of New Hampshire are aware of our laws and so they come from all over the place and they apply for a marriage certificate to get married here in a pregnant situation and the judge of course does not permit this.

Sen. LAMONTAGNE: I rise in opposition to the pending motion and in favor of the committee report. We have many requests that have been coming from nonresidents coming into New Hampshire trying to get married and therefore they are increasing the age from 13 to 15 for the female and from 14 to 16 on the male it is a better age and at the same time for marriage.

Sen. SPANOS: Sen. Lamontagne, for the last three sessions that you have served in this Senate and I have served in the Senate has this bill been defeated before?

Sen. LAMONTAGNE: Yes it has.

Sen. SPANOS: Three times?

Sen. LAMONTAGNE: Three times.

Sen. JACOBSON: Is it not also a fact that you supported indefinite postponement the last three times?

Sen. LAMONTAGNE: Yes, but there is nothing wrong with changing my mind now.

Sen. JACOBSON: May I have a clarification as to the reason why you have changed your mind?

Sen. LAMONTAGNE: Now that teenagers are going to become adults at the age of 18 is one reason and the other reason is after hearing the statements that have been made in favor of this from the judge and also the letter I feel that the age ought to be increased.

Sen. JACOBSON: It appears to me to be an incongruity on your thinking when we pushed down the age for majority on the one hand and the counter push by pushing up the age of marriage on the other. Could you explain that to me.

Sen. LAMONTAGNE: I personally feel that the increase in age is better for society and at the same time there is no question about it, and I have stated on this Senate floor that I feel that there is going to be some expectant problems that are going to be created with young people and I have mentioned the age of 15, 16 and 17 that we are going to have trouble with drinking and drinking is certainly going to create problems with the younger and in fact I will tell you just the other day, a week ago last Monday there was some young kids, 12 years old and

they were inviting their buddies to their house for a beer party. 12 years old.

Sen. JACOBSON: I think you stated that there was no opposition to the bill in the committee. Is it not true that I stated my opposition to the bill?

Sen. LAMONTAGNE: I beg your forgiveness, yes. But you weren't at the hearing. I would like to clear up the matter brought up by Senator Jacobson. At our executive meeting he was not present and therefore there wasn't anyone there who was in opposition to the bill.

Sen. SANBORN: At what age can a young lady conceive?

Sen. LAMONTAGNE: As far as I know 10 years old and maybe younger.

Sen. SANBORN: I have heard several mention that they have had problems on the seacoast area with people coming in, young people 13 and 14 requesting to be married. Evidently there was some reason why they were turned down.

Sen. LAMONTAGNE: Well yes, they had to go before a probate court. Whether they were granted, I can't tell you because they didn't go before our committee.

Sen. S. SMITH: I rise in opposition to the present motion, I do so however, because about a week ago I believe you will recall there was a story that hit the national headlines, national press, about a girl who was thirteen years old in the state of Illinois who was sold by her parents and went to, I don't remember what state offhand, but one of the southern states which has a fourteen year old limit and the parents attempted to lie as to the girl's age in getting a marriage certificate. I think that the reason for the bill is reasonable for this one area only, in that being the state for the youngest potential for marriage we are opening the doors to various types of things such as what has happened in this previous instance and I hope that the Senate, before it votes on this bill, will think about that for a minute.

Adopted.

Roll Call requested by Sen. Bradley. Seconded by Sen. Lamontagne.

Yeas: Sens. Poulsen, Green, Jacobson, Spanos, Blaisdell,

Trowbridge, Ferdinando, Sanborn, Provost, Johnson, Downing, Preston.

Nays: Sens. Lamontagne, S. Smith, Gardner, Bradley, McLaughlin, R. Smith, Brown, Bossie, Foley.

Result: 12 Yeas, 9 Nays.

Adopted.

RECESS

OUT OF RECESS

COMMITTEE REPORTS (Continued)

SB 62

to authorize any licensed physician to act as medical referee in certain circumstances. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, this Senate bill would permit the County Attorney or Attorney General to appoint any licensed physician who agrees to act, as medical referee in any emergency situation and only for that particular occasion. At the present time there is frequent difficulty in obtaining the services of medical referees and deputy referees. Emergency situations have arisen where the body of a dead child killed by an automobile accident must lie in the roadway for several hours pending examination at the scene by a medical referee. This bill has the support of County Attorney James A. ———.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:01

SB 28

relative to a bill of rights for mobile home park tenants.

Sen. JACKSON: I move to suspend the rules with respect to Rule 14 so that reconsideration would be in order.

The Chair rules that the special order is not in order and the Chair apologizes for his part in the situation. Several weeks ago we adopted new Senate rules including Senate rule no. 14 which provides that notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and

void. Notice of consideration on SB 28 was given the Tuesday following the Portsmouth meeting which was on Feb. 1, I believe and thus there was no basis for the special order of reconsideration motion made by the sponsor of the bill as respect to SB 28 last Thursday. The Chair is however amenable to the motion of the retroactive adoption that we suspend the rules so to allow SB 28 to be reconsidered if it is thought by anybody that it should be reconsidered and further acted upon by the Senate.

Sen. LAMONTAGNE: I would like to clear my mind too on — I have already talked to you about this before after we had our meeting and after the motion had been reconsidered, but right now the bill actually would be to leave it both for or against reconsideration.

The CHAIR: Well the Chair has just ruled in answer to your parliamentary inquiry Senator Lamontagne that there is nothing for the Senate really to act upon at this time because under Senate rule 14 adopted in January this bill legally went to the House three legislative days following the original notice of reconsideration and unless somebody moves to suspend Senate rules 14 in relation to this bill the House has this bill as it stands.

Sen. LAMONTAGNE: And therefore it would take a 2/3 majority?

The CHAIR: Yes to suspend the rules and I have no objections to the rules being suspended to consider any further matters relating to SB 28 and so advised Senator Jacobson who gave the notice of reconsideration.

Sen. TROWBRIDGE: I just maybe want to add to that motion, my inquiry is this, if the bill has gone to the House, is it necessary to suspend some other rule to get it back?

The CHAIR: The Chair would say probably no in that respect because the bill in fact is still in the possession of the Senate.

Sen. LAMONTAGNE: Where is the bill now?

The CHAIR: In the possession of the Senate.

Sen. JACOBSON: Mr. President I would like to simply say that part of the problem is that we didn't have our rule

book and therefore we didn't have the opportunity to consult it with regards to reconsideration and the other problems is that I have experienced difficulty in bringing amendments down from the Legislative Services. They are being flooded by amendments that are being proposed so that I had to wait in order to get it down and what I did in fact was I let it lay not knowing rule 14 so that I would not put Legislative Services under undue pressure and that is what happened as far as I am concerned and I hope that the Senate will support this and I would like to offer a very small amendment thereafter if they support suspension.

Sen. LAMONTAGNE: I would be in favor of reconsideration if the bill is recommitted back to the committee. I personally feel that an amendment after this long period of reconsideration that it is only fair that that would be published in the Journal before we make the final action so therefore if this bill is going to be recommitted to the committee, fine, I will go for reconsideration, if not then I will go against the motion.

Sen. PRESTON: I would like to rise in favor of Sen. Jacobson's motion. We discussed this in committee and I thought that the suggestion to make the amendment was very good and germane to the bill.

Adopted.

Sen. JACOBSON: I move the following amendment.

PARLIAMENTARY INQUIRY

Sen. JACOBSON: Is the bill in fact on second reading now?

The CHAIR: Yes. It is on second reading and open to amendment Senator.

Sen. JACOBSON: What my amendment does is to take out snowplowing and paving from this section of the bill so that it would prevent any owner requiring the tenant to purchase any of these things that are listed in the amendment. The original bill also included paving and snowplowing. As you will recall in Portsmouth I raised the question of the Judiciary committee, on this question which I conceive of as a general usage factor, that is it is something that pertains to all of them

in common and I did check with Mr. Francis Lovely, administrative director of the Granite State Mobile Home Owners League of New Hampshire and he agreed that the amendment is a solid one and should be enacted. I made a clear distinction between fuel oil, dairy products, laundry service, baby products, etc. which are very personal things and I don't believe that any owner of a mobile home should be required to buy any of these goods because they are personal services but I see that snowplowing and paving are services in common and that owner of the mobile home park should have some responsibility as well as authority in this area.

Sen. BRADLEY: I am a little confused by what your amendment will accomplish because your amendment talks in terms of any service, goods or services, and I assume that paving and snowplowing services that the list coming after it is not a conclusive list, and therefore I would still read this as saying the mobile home park owner or operator could not require an individual tenant to buy his paving from any particular person.

Sen. JACOBSON: Well Senator, in response to your question, I would hope with you that if any of these matters should become a judicial proceeding that they would then interpret any goods or services in line with the specifically stated proposition so that other goods and services that would be similar to dairy products or fuel oil or laundry services, then could be included. When you include paving and snowplowing in there then this could move over into the area of services in common and it seems to me that the mobile homeowners should have some authority in these particular areas.

Sen. BRADLEY: Is it your intent then by this amendment to say that the mobile home tenant who decides to have a driveway paved which isn't in common with anything but is on the land that he is renting or leasing, that the operator can specify who he has to buy that paving from, is that the intent of this amendment?

Sen. JACOBSON: The intent of this amendment is to give the tenant and mobile home operator an opportunity to express authority in regards to paving because it is on land that is owned by the mobile park owner.

Sen. BRADLEY: Assuming that the person has a driveway that is not plowed but he wants to have it plowed, this amend-

ment by your conception would permit the park operator to specify who the tenant has to get his plowing services from. Is that correct?

Sen. JACOBSON: I would say that that would allow the mobile homeowner to provide for snowplowing as an action in common. Incidentally, Mr. Lovely said to me, "I don't think the homeowners want six or seven different people in there plowing the driveways either."

Sen. BRADLEY: I don't think that you have really answered my question but because there are situations where plowing isn't in common. If a person wants to have his brother plow his driveway and the mobile home operator says he has got to have my brother plow it, I take it your amendment would say that the operator could require that.

Sen. JACOBSON: I would say that that would be in the realm of possibility.

Sen. NIXON: I respectfully and cordially arise to oppose the amendment as proposed by the distinguished Senator from the 7th district. As the sponsor of SB 28 in its original draft, may I say this, that this bill arises out of my own experiences as an attorney attempting, rather inadequately, because of the present laws, to represent some mobile home tenants both individually and collectively in some cases in respect to problems they were having with mobile home park owners and also it arises out of an experience with the former chief of the consumer protection division in the New Hampshire Attorney General's office Richard Hampe who drafted the bill in its essence. He now is the Merrimack County Attorney and as you all perhaps know he is one of the principal draftsmen, now on a consultant basis, for Legislative Services. One of the problems that this bill attempts to attack in terms of the rights and obligations of the mobile homeowners and mobile home park owners is some bad bad situations whereby the park owners are requiring under present law, that mobile homeowners by certain services such as and including fuel oil, dairy products, laundry services, bakery products, food products, snowplowing and paving from particular concerns when they want their own yard to be plowed, not the streets in the park, and when they want their own yard or driveway to be paved, not the streets in the park, and if they are told that in order to do this you have to buy it

from Joe A or Company B even though the price may be higher than the mobile homeowner would pay if he were allowed to freely contract. In essence what this bill does is to prohibit this type of conduct which prevents illegally, freedom of contract. Two principal areas where abuses were found to exist in my own experience and experiences of the Chief of Consumer Protection were in the area of paving of the tenants own driveway area and snowplowing of same and sidewalks, including snow removal and shoveling. That is why these two areas are included in the original draft and that is why I think they are important to be passed as part of the bill in its entirety and that is why I oppose the amendment. May I say that in no way, shape or manner can the bill as originally drafted, including this particular clause, be construed to require the park owner to plow or pave the area that belongs to a mobile homeowner in the park so that actually the bill cuts both ways. It just protects freedom of contract and I might say in that regard that the bill does protect the mobilehome park owner in that false or unsubstantiated complaints filed in respect to the bill would be grounds for penalties similar to those for violations of the bill itself, and that is why I oppose the amendments.

Sen. PROVOST: Senator Nixon, can a mobile homeowner forbid a truck or car to go into the park, he owns the streets?

Sen. NIXON: So far as I know if it is private property and has not been accepted by the town or city the streets are private and a park owner, I assume, might have that right. But if this bill were passed, I think that that right would be interfered with and he could not blanket prohibit oil dealers from coming in and selling oil to a particular mobile homeowner.

Sen. BOSSIE: Senator Nixon, in regard to the amendment, the first part of the paragraph 3 states "require any tenant to purchase any goods or services", services in my opinion includes snowplowing. That would be included anyway. Paving, in my opinion, is not a good or a service. Would you agree to an amendment which would include snowplowing in this but not paving?

Sen. NIXON: First of all goods or services was in the original draft, the rest of the language is included but not limited to and specifies the main areas of abuse from my own experience and also the consumer protection division. Inasmuch as the

snowplowing and the paving appear to be the main areas of abuse I would have to say no, I couldn't agree to it and I am concerned that if those two or either one of those references snowplowing or paving were taken out of the bill that it might be construed even though the broad language "any goods or services" were left in it might be construed as a legislative intent that a mobile home park owner would be able to allow tenants of the park to pay to a particular person to have the mobile homeowners driveways plowed or paved. No way, again, is the bill intended to interfere with the rights of the owner of the park to have the streets in his park paved by anyone whom he wants or his right to persuade the tenant that he ought to have his driveway paved by Company A, inasmuch as Company A is doing the streets anyhow and he could get a better price. All the bill does is to prevent the mobile home park owner you're going to have to have your driveway paved by Company A and pay him the price that he sets or that he and I agree on to have your driveway paved even though it is for your own individual and personal use.

Sen. JACOBSON: With respect to the question of paving, who owns the ground underneath the pavement?

Sen. NIXON: It happens both ways. Usually mobile home park owner owns the ground and leases spaces in the park in connection with the sale of a trailer to a tenant. In some cases there are actual conveyances of the land itself but those are less common.

Sen. JACOBSON: So the common condition is that the park owner owns the land under the pavement?

Sen. NIXON: Yes, that is true.

Sen. JACOBSON: Then it would not be unreasonable to assume that since he owns the land he might have some say in the question?

Sen. NIXON: Yes, there is some sense to that question. I have no objection to the mobile home operator having some say, but what the bill tries to prohibit is the mobile homeowner saying to tenant whether you like it or not your driveway is going to be paved and you are going to pay person A for doing it, which prohibits the tenant to say no I don't want my driveway paved in the first instance or I would like to have it paved by my brother-in-law who can give me a better price.

Sen. JACOBSON: But under your bill if the amendment is not adopted with regards to paving, the tenant in the mobile-home park could refuse to accept the consideration of the owner in respect to that paving. Is that correct?

Sen. NIXON: The tenant could not prohibit the owner from having the driveway paved that was for the use of the tenant. The tenant in addition could not prohibit the owner from raising the rent to attempt to defray the cost of paving the driveway but the tenant could prohibit the owner from requiring the tenant to pay a specific sum to a specific paving company by having the tenants' driveways paved over the tenants' objections. That is all.

Sen. BROWN: I am not to concerned about the snow-plowing, Senator, but I think we are all aware that there are different grades for good jobs and poor jobs in relation to paving. Don't you think that the mobile home park operator should have the right to maintain the quality within his park, rather than allowing a poor job to be done because the tenant got a cheaper price?

Sen. NIXON: I certainly agree with Sen. Brown that he should be, but I don't think that he should be allowed in order to maintain quality to require the tenant in his park who hadn't been aware that maybe this was going to be done, to pay a particular contractor a price set by either the contractor or the operator or a combination for a driveway he the tenant doesn't need, can't use and can't afford. I think in that case the tenant, the owner's right to have the driveway paved should be left intact and the bill leaves it intact. He can if he wants the tenant to contribute to the cost of that particular paving company doing that particular driveway to up the rents on the park as a whole and be reimbursed in that way. The bill doesn't cause the problem that I think you anticipate that it will.

Sen. BROWN: If a tenant wants to pave a driveway and through past experiences the mobile homeowner knows it is going to be a poor job, are you saying that he has the right to tell the tenant that he can't have that? What recourse does he have?

Sen. NIXON: First of all let me say this. I don't expect that that possibility is going to happen because a study done of the mobile home and mobile home park situation in New

Hampshire and my own experience in terms of telephone calls that I have received and correspondence I have received, that mobile home park tenants under the present situation have their rights via save mobile home park owners to determine on that on that basis and I am quoting now from a study of this situation "On the basis of intimidation and fear" and this was expressed to me individually by people who had come to my office since this bill was sponsored, called me up at my home and my office saying that we would like to go up and support your bill giving us some rights but we don't dare to because we will be evicted, and there is nothing to prevent that from happening under the present law.

Here you have a situation, and this is a profound situation, where you have a lot of people who are induced to buy mobile homes to move into mobile home parks and then perhaps because of the nature of the park it develops into a monopoly perhaps because the town doesn't want any more there and they won't allow that owner to expand his park anymore than he already has so he is in a situation of having a fixed number of tenants then he gets rid of the tenant, raises the price and charges the entry fee, so I don't think that I can accept the fact that a tenant would stand up and say I am going to have a cheap driveway put in whether you like it or not, even if this bill were passed. And I still think that the owner will have the right to greatly influence that decision as to the quality of that driveway.

Sen. JACOBSON: I withdraw my amendment.

Sen. JACOBSON: I move the following amendment.

Sen. JACOBSON: I wish to propose a second amendment. My amendment simply would remove paving from the original bill and would restore snowplowing. I have been convinced by the arguments offered that snowplowing is an ——— character whereas paving goes to the substance of the question since it does at least semi-permanently alter the character of the ground which as Sen. Nixon says is most commonly owned by the owner and that there should be at least an opportunity for him to exercise responsibility and some authority on this question.

Amendment not adopted.

Sen. BRADLEY: I am still opposed to the present amend-

ment. The bill as originally written would in my opinion allow the operator of the park to set down rules like there will be no paving of private driveways, or if there is paving of private driveways they will meet certain specifications which we hold as long as they are reasonable specifications but I don't think that it is fair or right for us to allow the operator to tell the individual tenants who they have to get their pavement from once it is decided there is going to be paving and let's say it is going to be in accordance with whatever conditions the operator lays down.

Sen. POULSEN: I rise in opposition to the amendment. I have had two boys who have lived in trailer parks not in New Hampshire, but who did live in trailer parks and snowplowing is one of the things that is abused. It is quite possible for a tenant to have his own snowplowing as many people do and they are charged anyway. I am in opposition to any amendment to this bill.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS AT 1:02

HB 111

to repeal peace bond on appeal from conviction for driving while intoxicated under the influence of drugs or recklessly. Ought to pass with amendment.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

to repeal peace bond on appeal from conviction for driving while intoxicated or under the influence of drugs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Limit Peace Bond. Amend RSA 262-A:65 (supp), as inserted by 1963, 330:1, as amended, by striking out in line one and in line eight the words "or 62" so that said section as amended shall read as follows:

262-A:65 Suspension of License; Recognizance Required on Appeal. Whenever any person convicted of a violation of

section 61 appeals, the municipal or district court or justice shall order the person appealing to recognize in the sum of one hundred dollars, with sufficient sureties, to keep the peace and be of good behavior until such appeal has been finally disposed of. If the person appealing fails to recognize in said sum, the municipal or district court or justice shall forthwith suspend the license of such person. If during such appeal period, such person is convicted of another violation of section 61 unrelated to the prior conviction, the municipal or district court or justice shall, upon receiving notice of such conviction, immediately suspend the license of such person, shall declare the recognizance forfeited, and shall request the county attorney to cause proceedings to be had immediately for the recovery of such forfeiture, such proceedings to be subject to the provisions of RSA 597:33, 34, 35, 36, and 38. Upon suspension of the license of such person either upon failure to recognize after conviction or during the appeal period as hereinabove provided, in case of holders of New Hampshire Licenses, municipal or district court or justice shall return such licenses together with the court return to the director who shall not reissue said license until such person is acquitted. If the person so appealing is convicted, and has had his license suspended during the appeal period for failure to recognize in the required sum, the period of suspension shall be computed from the date of the initial conviction. If the person so appealing is convicted and has not had his license suspended because he has recognized in the required sum, or has had his license suspended because of a second conviction during the appeal period, the period of suspension shall commence upon the date of his final conviction upon such appeal.

2 Limit Recognizance. Amend RSA 262-A:65-a (supp) , as inserted by 1969, 471:1, by striking out in line two the words "or 62" so that said section as amended shall read as follows:

262-A:65-a Recognizance When Appealing Out of State Conviction. Whenever any person convicted in another state of the type of violation cited in RSA 262-A:61 appeals, the person appealing may recognize in this state in the sum of one hundred dollars, with sufficient sureties to keep the peace and be of good behavior until such appeal has been finally disposed of. Such sum shall be paid to the director of motor vehicles and no suspension of his New Hampshire operator's license shall occur while the appeal of the out of state conviction is pending.

3 Revocation of License and Appeal. Amend RSA 262-A by inserting after section 64 the following new section:

262-A:64-a Revocation of License and Appeal. Whenever any person convicted of a violation of section 62 appeals, the municipal or district court shall forthwith revoke the license of such person and, in case of a holder of a New Hampshire license, shall return such license together with the court return to the director who shall not reissue any license until the period of revocation determined by the court has elapsed.

4 Effective Date. This act shall take effect sixty days after passage.

Sen. BRADLEY: Mr. President, the amendment which is proposed to this House Bill is in the Senate Calendar for last Thursday, March 29th on page 47. What the original bill did was to repeal the peace bond provision to the present statute with respect to both reckless operation and driving while intoxicated. This amendment is to repeal the peace bond provision only with respect to driving while intoxicated. The peace bond provision will remain in the law with respect to so-called reckless operation or driving to endanger. The other part of the matter was to change the effective date which in the original bill was to be effective immediately upon passage to the standard one of effective 60 days after passage. This amendment as I remember was unanimously proposed by the committee.

Sen. LAMONTAGNE: Mr. President and members of the Senate. I would like to explain this a little bit better and at the same time I would like it entered into the record that there was a special committee appointed by the Senate President and Senator Jacobson and myself was appointed and therefore this came up before a study committee in reference to the peace bond. Although in our committee we had in fact plans to have a bill and therefore our bill is even something better than what the House has passed with reckless driving, but this amendment as written modifies the present peace bond laws to extend to the peace bond no longer being allowed in cases involving convictions of driving while intoxicated. However it represents a compromise with the bill's proponent by allowing the peace bond in cases involving convictions of reckless operation of a motor vehicle. Testimony before the Judiciary committee indicated that the major problem centers around abuse of the

present statute as it relates to DWI cases, and not so much in relation to reckless driving convictions. As we all know, this statute has caused serious problems for our courts and safety agencies and has allowed many dangerous drivers to continue driving at the risk of law abiding citizens. We have a moral obligation to our state to see that such permissive laws are corrected and it has been clearly indicated, on the basis of case histories, that we must act favorably on this bill as amended. Now I would like to point out to the Senators that reckless driving there were 272, this was in 1972. There were 3,638 DWIs and over 5,000 arrests a total of 1,530 cases reflect the peace bond postings since the inception of this law. A total of 665 peace bonds were posted with the court following convictions in the year 1972. Therefore I hope that the committee will adopt this even this in just a half a loaf, however a half a loaf is better than none.

Sen. TROWBRIDGE: I take it that the reason you distinguish between the reckless driving and the DWI case is that in the DWI case you have some standards by which the breathalyzer is used or whatever and you know whether the person at .01 percent alcohol at the time when he is arrested whereas the reckless driving case you only have testimony which would be reputable or there is no standard. Is that part of it?

Sen. BRADLEY: Yes that is part of it and to go beyond it in answer to it, the crime of so-called reckless operation or driving to endanger is very very misunderstood. It is a very confusing thing and nobody has satisfactorily defined it. So not only do you have testimony which may be in conflict but the meaning of the statute itself is very much in doubt and judges, particularly in district court, apply it all over the place. This seems to me to be a fair distinction, they are much different crimes and driving to endanger may constitute very minimal deviation from standard and lawful conduct.

Sen. TROWBRIDGE: How many appeals of DWI were successful? It would be interesting to know how many in the last year, etc., but if not many of the appeals were successful then this would be further reason for not having the appeal bond.

Sen. BRADLEY: There was a study done by Mr. Kenneth Lewis, Administrator of Financial Responsibility. Of 100 cases

of DWI selected at random 92 eventually resulted in convictions when appealed. One was dismissed or discharged, 3 were found not guilty, 2 pleaded to lesser charges.

Sen. JACOBSON: Is it also true that there were a number of cases that dropped their appeal when it came up to appeal time?

Sen. BRADLEY: Yes, the testimony was to that effect and this particular list that wasn't apparent however, that would seem to fall under this one of dismissed or discharged, no I guess it wouldn't. It wasn't broken down as to whether they had gone through the trial or if they were convicted later on.

Sen. JACOBSON: So as I understand the testimony there was a group of people somewhere in the neighborhood of 20 or 30 of these cases which simply used the appeal bond to postpone the inevitable, that is their conviction and loss of license.

Sen. BRADLEY: That was the testimony and I don't know that the figure was broken down.

Sen. SPANOS: Sen. Bradley, you indicated that there was a report that you have, prepared by Commissioner Lewis who indicated that at random of 100 cases that 92 were convicted and eight were not. If you follow that pattern right through the line of taking all 600, then you would have the possibility of 48 people involved who were not convicted of the offense of DWI, and further if you have 48 people who have not been convicted and you took away the peace bond and they lost their license, there would be 48 people in this state who would not have their license during this full period of time, is that correct?

Sen. BRADLEY: That is correct.

Sen. JACOBSON: You expressed the concern about these potential 48 people — now they still would have an appeal, they still have a right of appeal do they not? Some of these 48 could actually be dismissed on the right of appeal on regards to questions of law.

Sen. SPANOS: Yes, but in the meantime they will have lost their license. I am going to support the motion to amend the amendment as offered by the committee but I am going to speak against the whole bill at a later date because I feel that in this area where the reckless — at least taking the bond out of

reckless driving is of some significance to me so I support the amendment of the committee but I would like to be recognized to speak against the whole bill.

Adopted.

Sen. Spanos moved that HB 111 be indefinitely postponed.

Sen. SPANOS: I offer this motion because I am firmly committed to the principles of justice that a man's rights should not be restricted or curtailed, nor should he be penalized, until that person has had the opportunity to exhaust all the remedies our judicial system affords him, including a jury trial. His innocence should be of paramount concern to all of us and we should preserve that right to prove that innocence, otherwise I think we assault one of the basic tenets of American jurisprudence. The question I asked Senator Bradley was designed to illustrate the possibility of a situation where you have at least 48 people who are not convicted of the offense who, if we were to take away the peace bond and not allow them the right to proceed would have lost their license for a period of time and in many cases it could be as much as 5 to 6 months and I can give you the instance of our own court system. We have a district court case in Newport where you go in in April, this period of court has just ended. The next term of court would be September, that would mean that that man's efforts would not be resolved until some time in September. In the meantime he has lost his license, then comes the hearing to superior court and he finds that he is acquitted. We have penalized the man for 6 months' period where had he been convicted at a lower court level, whereas you probably know in some cases lay judges, we do not have the facilities to properly prosecute or defend in some instances. Not unmindful of the increase of highway fatalities due to operating while intoxicated, I believe that this should take secondary consideration when weighed against the fundamental right of a person to protest his innocence until he is proven guilty by the court of last resort and I don't think the legislature is that court of last resort and consequently I oppose the measure. I have opposed it in the past and I think that I shall continue to oppose it as long as I am in this Senate.

Sen. LAMONTAGNE: I rise in opposition to the pending motion. I feel sorry because I had an exhibit here that I wanted to show the Senate but with all this junk here I can't seem to

find it. So let me explain to you the reason why I am in opposition to the present motion and in favor of the committee report. There is a case and this individual turned around and had a DWI and two months later he already had posted a peace bond and had not been to superior court, but two months later he turned around and got arrested for DWI again. A person like that which was under the influence of liquor could have had an accident and could have killed your child and could have killed mine. And at the same time it could have injured you and it could have injured me and it could have injured some other people. This peace bond has done nothing else but some DWI's to hide behind somebody's skirt and for them to create them to continue to drive on the highways when they should be taken off the highway by the court. Now many of these peace bonds that have been posted have not been to court. This has been proven to me. This has been said to our Study committee and it has been said before the Judiciary committee. So now I personally feel that this peace bond business should be stricken out of the books for the safety of the people who are walking on the street and for the people who are on our roads. I can get you this case for tomorrow at 1:01 if you want to see the case. And what happened when he went before the judge, here the first conviction and then he turned around and got the peace bond for the second offense.

I wish the Senate would keep in mind that in 1972 that there was a total of 665 peace bonds that were posted with the courts following the conviction in the year of 1972.

Sen. TROWBRIDGE: Sen. Spanos, I have been listing to the debate here and I am quite inclined with your argument but one thing that you said that I don't think is absolutely correct is even if this bill were to pass the person who is picked up on DWI and falsely accused wouldn't necessarily wait for the court to come back he would just simply wait for 60 days or 90 days or whatever the sentence he was given by the district court. Am I not correct?

Sen. SPANOS: He would be held up in the sense that his license would have been taken from him during this period of waiting.

Sen. TROWBRIDGE: Only for the 60 or 90 days that he was sentenced to.

Sen. SPANOS: It doesn't make any difference, no, he could go six months like in Sullivan County Superior Court — when you appeal from a district court to a superior court the fact that your penalty is only going to be 60 days in my opinion would not necessarily mean that he would get it back in 60 days. He still would have to proceed with his appeal. Chances are from a practical point of view, he would not unless he wanted to prove his innocence. Follow me?

Sen. TROWBRIDGE: I am asking — let's say I get picked up and the district court says DWI and puts in a thing saying I am taking your license for 60 days. I say no, and appeal it next week. 60 days go by, does not Fred Clark at that point mail me back my license?

Sen. SPANOS: I don't believe so.

Sen. DOWNING: Sen. Spanos, we are talking about the normal 60 day sentence, is it possible to have your license suspended for more like six months or three years?

Sen. SPANOS: Yes, you can get more than that. The minimum is a 60 day sentence. They are running higher these days.

Sen. SANBORN: Do I understand Senator in the earlier part of the testimony that there has been an interim committee study on this and that you and Sen. Jacobson were both in on?

Sen. LAMONTAGNE: Yes, and members of the House.

Sen. SANBORN: And the interim committee that has been studying this for some time agrees with this amendment?

Sen. LAMONTAGNE: We agreed more than what is now being asked by this amendment, because we also included reckless driving.

Sen. S. SMITH: Mr. President, I rise in opposition to the motion to indefinitely postpone. I think there are a few things that have not been said here that might be said. Sen. Spanos referred to people's rights. I think that one must also realize that a license to drive is not a right but a privilege and that a license may be revoked. I think also that it must be realized that there has been an incidence this year or within a year that a person on peace bond was involved in a fatal accident. I think that the theory behind the peace bond is good, I think that it has been overused and used primarily as a delaying tactic. I

think also from testimony that New Hampshire is the only state that has a peace bond, and thirdly and finally I think that the doing away of the peace bond might to some degree lessen the burden of appeal to the superior court so that those who are legitimately before the superior court to appeal their case might get a quicker hearing.

Sen. BRADLEY: In effect to answer Sen. Trowbridge's question. The bill as presently written is quite explicit I feel in saying that the length of revocation which is specified by the lower court is the period you go without your license no matter how long it takes the appeal to come up. This is made clear I feel by an amendment that was put on the bill from the House that says that the license will be revoked by the district court and it wasn't reissued until the period of revocation expired.

Sen. DOWNING: Aren't we sort of presupposing that everyone here in this discussion that every individual that is prosecuted for DWI is going to get a suspension of 60 days when the fact is that the judge could very well suspend it for 6 months or a year.

Sen. BRADLEY: That is true, I wasn't trying to presuppose it relative to 60 days.

Sen. LAMONTAGNE: Senator if this bill as it has been amended by our committee wouldn't it reduce the amount of peace bonds to appeal to the courts?

Sen. BRADLEY: It would substantially cut them out except for the few cases of reckless operation. It would cut them out entirely for DWI.

Motion lost.

Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:03

HB 73

providing for better control over subdivision development of land in New Hampshire. Ought to pass. Sen. Porter for the committee.

Sen. SANBORN: I want to say that Senator Ferdinando had to leave however I too wanted to see what the amendment was the other night when this bill was reported in, we didn't have it in its amended form since then we have read it in its

amended form and both Senator Ferdinando and I withdraw our objections to the bill.

Adopted. Ordered to third reading.

ANNOUNCEMENTS

PERSONAL PRIVILEGE

Sen. GARDNER: Mr. President I have been a member of this General Court for nearly 23 years. This is the first time that I have requested to speak under personal privilege. I can no longer refrain from expressing my reaction to being subjected to listen to biased personal opinions presented under personal for the purpose of criticizing the Chief Executive of our State. I was of the opinion the purpose of the sessions throughout the state was to bring the legislature closer to the people providing them the opportunity to observe the "Senate in Action". However, I as well as many others attending the session held in Laconia failed to understand how the oration delivered us in the final stages of the session under personal privilege could possibly add anything constructive to an otherwise successful meeting. Several expressed surprise that any member of the Senate would personally attack the Chief Executive of our state in the presence of many adults and several hundred pupils who were attending this meeting. In any contest, political or otherwise, it takes a majority vote to win. However, some win by a larger majority than others. I and the Senators preceding me put a great deal of thought into planning this session in our respective districts. Naturally I was disappointed and stunned to think that an otherwise successful meeting should terminate as it did. To those who have inquired I have assured them that this part of the program was not on the agenda. I hope in the future we retain the dignity of the Senate and if any Senator feels compelled to criticize any public official I suggest he does so within the Senate chambers here in Concord.

The CHAIR: The Chair appoints the Clerk, assistant Clerk, Majority leader and Minority leader to review all amendments and to notify the chair as to their germaneness.

Sen. JACOBSON: I noticed as I read the paper this morning that my district has been invaded, and that Senator David Nixon is now the Senator from New London. I hope I still have

my seat and that that will be corrected. Then I have another problem and that is that I was asked by the King of Privilege to present crowns to the Princes of Privilege and I hereby (Blaisdell and Preston).

The CHAIR: It has been indicated to the Chair that the president has been appointed to a committee — Veterinary Commission, advisory commission on veterinarian schools being established in the New England area and he would like to hear from any Senator who has an interest in that field.

Sen. FOLEY: I move that the rules of the senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow at 1:00 and in honor of Concord's latest Eagle Scout, Anthony Scarlotto.

LATE SESSION

Third reading and final passage

HB 4, providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid.

HJR 13, making an appropriation to the New Hampshire Hospital Auxiliary.

HJR 10, providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling.

SB 53, to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist.

SB 62, to authorize any licensed physician to act as medical referee in certain circumstances.

SB 28, relative to a bill of rights for mobile home park tenants.

HB 73, providing for better control over subdivision development land in New Hampshire.

RECONSIDERATIONS

Sen. Porter moved reconsideration of SB 28.

Motion lost.

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated or under the influence of drugs.

Adopted.

Sen. Lamontagne moved reconsideration of HB 111.

Motion lost.

Sen. Bradley moved that SB 32 be made a Special Order of Business for Thursday at 7:01 April 5th.

Adopted.

COMMUNICATION

March 30, 1973

Honorable David L. Nixon
President of New Hampshire Senate

Dear Dave:

I wish to convey to you and the members of the New Hampshire Senate Association my deep appreciation for the floral tribute which was sent for Rae's funeral.

I also wish to express my gratefulness for the fine Resolution adopted by the Senate.

It was so thoughtful of Rae's many friends to so remember him and I shall cherish it.

Thank you for conveying this acknowledgement to the members of the Association and the Senate.

Sincerely,
Margaret

Sen. Foley moved the Senate adjourn at 5:00 p.m.

Wednesday, 4Apr73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let us not be swayed by those things which would divert our thinking from the right.

We need Thy help so very much, O Lord, in order that we may have the strength and the courage of our convictions, to perform in a manner which is fitting for so great a body to which we belong.

Hear us! and help us, O Lord. Amen.

Pledge of Allegiance was led by former Senator Paul Daniels.

Presentation of resolution to Paul Daniels.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

CACR 34, relating to: The power of the state to tax. Providing that: The legislature be allowed to impose taxes that are not proportional. (Spanos of Dist. 8 — To Ways and Means and Administrative Affairs.)

HOUSE ADOPTION OF ENROLLED BILLS AMENDMENT

HB 403, lowering the age of majority to eighteen.

ENROLLED BILLS REPORT

HB 403, lowering the age of majority to eighteen.

Sen. Provost

For The Committee.

HOUSE CONCURRENCE

SB 36, relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 286, relative to the taking of clams from the ocean waters of New Hampshire. Recreation and Development.

HB 599, amending the zoning authority of Kearsarge Light-

ing Precinct to include the town of Bartlett. Executive Departments.

HB 384, to reclassify the Blackwater River. Resources and Environmental Control.

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover. Recreation and Development.

HB 564, relative to annual meetings of credit unions. Banks, Insurance & Claims.

HB 498, relative to the area school contract between the Rochester school district and the Strafford school district. Education.

NOTICE OF RECONSIDERATION

Sen. Trowbridge moved reconsideration of SB 60, providing that no male under sixteen years of age nor any female under fifteen years of age shall be allowed to marry.

Introduction of Robert Duvall, Commissioner of Labor.

COMM. DUVAL: Mr. President, honorable members of the Senate, I consider it an honor and a privilege to have this opportunity to address you this after noon and to inform you of the activities and responsibilities within the Labor Department.

This year marks the 80th anniversary of the establishment of the Labor Department and while it is among the oldest of state departments, it is also the smallest in terms of numbers of employees. The staff at this time consists of 25 permanent classified employees, 2 unclassified employees and 2 temporary classified employees. Three other employees budgeted in other areas of state government are also working in the department either full or part time coordinating department activities with other state agencies.

It is interesting to note that over the past 10 years the total number of permanent classified positions have been reduced by 3 persons while during the same period of time the work force of our state has nearly doubled, including similar increases in numbers of business establishments. This growth has greatly increased the demand for services of the department

which is reflected in the 39th Biennial Report of the department being distributed to you today.

You may be interested to learn that we have coped with this increased demand for services while during the same period the permanent staff has diminished. It has been accomplished through hard work and a continual shifting of priorities and goals within the department and by streamlining many cumbersome procedures that existed in the past.

Commencing in 1965, written regulations were initiated in every operation of the department pertaining to every law administered. Each succeeding year has resulted in further modifications or new procedures with emphasis on improving the efficiency of the department's operation. Several years ago I clipped a quotation from a magazine article and secured it within my desk. It states, "If you have always done it that way, it is probably wrong." This has been adopted as a motto and my guideline over the years on the operations of the department.

You may wonder by my remarks today whether there exist any problems or needs within the department. As I will be discussing the various laws that we administer, some of these problems and needs will be mentioned. I speak with a sense of pride of our past accomplishments and I am also concerned about the department's role in the future.

The Labor Department is structured into 4 basic divisions, office of the commissioner; workmen's compensation; inspection; and labor statistics.

Chapter 273 provides for the establishment of the office of Labor Commissioner and the Deputy. It also creates the State Board of Conciliation and Arbitration which is appointed by the Governor. In addition to the services of the Board, it has been my past experience to be called upon on many occasions to assist in resolving disputes that exist between employers and employees in both the private and public sector. We have also conducted numerous elections by request of the parties after which certifications of employee representation are made by the department.

It is interesting to note that at present there are a number of bills before the Legislature to provide for an orderly process in handling disputes that may exist in the public sector of our

state government. In my opinion, there is a need for this type of legislation in order that we do not have to burden our court systems in seeking answers to the problems that may exist. The time has come for the Legislature to give serious consideration to this type of legislation.

Chapter 275. This law contains a number of employment standards that deal with limitation of hours of female and minor workers, holiday employment, Sunday work, definition of a day's work, equal pay between sexes for similar work and one of the finest wage collection laws in the country which was enacted in 1963. You will note in reviewing the Department's Report that wage collections have skyrocketed in recent years mainly because of the broad coverage and effect of the wage payment law enacted 10 years ago. Prior to its enactment, wage collections rarely exceeded \$5,000. annually.

Chapter 276-A. This chapter known as the Youth Employment Law was amended in 1969 with the emphasis on encouraging the employment of the young people of our state by streamlining the procedures for obtaining work certificates and relaxing some of the prohibitions of employment. You will note again by the Report of the Department that there has been a decided increase in recent years in the number of young people employed in our state both in the 14 and 15 year and 16 and 17 year brackets. The number of young people so employed has increased threefold over 10 years ago. The recent studies of the Governor's Commission on Laws Affecting Children is recommending further changes in this law which I understand will be introduced in the not too distant future and which I will support.

RSA 277. This chapter deals with administration of safety and health of employees. Historically, state legislation has existed dealing with this subject for more than 60 years. Because of lack of personnel and money to do an adequate job at the state level, the Congress enacted the Occupational Safety and Health Act of 1970 which has at this time preempted state laws where no State Plan for administering the federal law has been approved.

We are, therefore, at the crossroads in this session of the Legislature as to whether the state wishes to continue administration of occupational health and safety or whether the fed-

eral government shall gear up to administer this important work. Failure to develop a State Plan will further erode the overall activities and responsibilities of the State Department of Labor.

Chapter 157-a and 157-B. Another phase of health and safety activity enacted in 1967 provided for periodic inspections of elevators, high pressure boilers and unfired pressure vessels throughout the state. These laws also required the payment of \$2.00 for each certificate issued by the Department. We have found that since the enactment of these laws, and the Boiler Law in particular, that the cost in collecting the \$2.00 certificate fee is nearly offset by the revenue. Auditing procedures for handling funds established by the state involves the services of at least five people. We have come to realize that the Labor Department should be basically a service department rather than collection of revenue and I hope that I can enlist your interest in seeing that the duties of collection of these fees be placed in another state agency or, if necessary, the elimination of the \$2.00 fee in its entirety as the total amount of money collected in the last fiscal year did not amount to \$15,000. Such corrective action would free more personnel for other sorely needed activities within the department.

Chapter 278. In 1947 the New Hampshire Legislature enacted a law forming an Apprenticeship Council made up of equal numbers of representatives of labor and management appointed by the Governor to promote and foster apprenticeship programs in this state. Over the years the Council was without resources to provide the necessary work to make the program a successful one. Only in recent time have we been provided the services of a full time person to carry out the day to day procedures at the direction of the Council to expand upon apprenticeship training in this state. Results have been good. However, we are faced with the loss of the services of this full time position if the Legislature does not provide the funding to maintain this position in the next fiscal biennium.

Chapter 279. This chapter provides for the establishment of a minimum wage in all places of employment with the exception of agricultural and domestic labor. Minimum wage rate at present remains at \$1.60 per hour which is equivalent to the federal minimum wage. The law was amended in 1971 that should the federal government increase the minimum

wage that the state law would automatically increase in a similar amount. There is a need for such action at the federal level or else New Hampshire should take the initiative to increase its minimum wage. It is my understanding that one of the road blocks in the federal legislation has been whether there should be a special exemption for youth employment 18 years of age or under. A 75% provision already exists by the state law.

Chapter 280. Under this law the Labor Commissioner is charged with establishing minimum wage rates on all public works contracts costing \$500,000 or more. Much controversy has existed over the past two years relative to the law and its application in New Hampshire. I can state that the law has a beneficial purpose in respect to rates established by the department and would hope that the Legislature would give serious consideration to reversing the actions that it took two years ago.

Chapter 281. The last law that I refer to today is the one that I consider perhaps the most important law that we administer in the Labor Department; that is the Workmen's Compensation Law. The Labor Commissioner is charged with the responsibility of administering the law and to see that injured workmen are provided the full benefits and services of the law through detailed monitoring process within the department. We in the department who work in this area are very proud of our accomplishments and improvements in the various administrative processes. It has been an area where streamlining of old procedures has been a gain both at the operation of the department and to the injured people that we serve in providing more prompt payment of benefits and an early resolution of any problem that may arise.

Each session of the Legislature, as administrator of the law, I can look with pride to you, the legislators, in enacting a benefit package that the people of New Hampshire can be proud of. The benefits provided by the law rank high in national comparison of state workmen's compensation laws but this is not to say that we have achieved the goals we are seeking.

Tied to the Occupational Safety and Health Act of 1970 was a provision creating the appointment of a National Commission to study the state workmen's compensation laws. The Commission was appointed by the President and the report was finalized in December, 1972. The recommendations of that Re-

port are being used as guidelines in assisting you in further improving the New Hampshire Law which I hope will culminate in a bill to be introduced soon.

Unless the states act in a responsible manner in improving their workmen's compensation laws, we may well face the same type of federal legislation that exists in the area of occupational health and safety. I would hope that we do not relinquish this program from state jurisdiction as I sincerely think that we can do an adequate job if given the necessary finances to carry out our goals and directives.

In addition to the regular workmen's compensation program, the Labor Commissioner serves as Chairman of the Committee on Claims for handling state employee workmen's compensation claims. In this role the Department functions in a similar manner to an adjuster for an insurance company writing workmen's compensation.

Additionally, the Labor Commissioner serves as a member of the Management-Employee Relations Commission covering state employees collective bargaining.

In closing, I would like to leave with you a couple of impressions for you to give some thought and consideration without my remarks being critical of other department resources.

Does it make sense that the state has provided 50 field personnel to protect the fish in our streams and the wildlife in our forests while at the same time only providing 6 people to protect human life and limb in their employment?

Does it make sense to provide funds to state departments for them to trade in their state vehicles for new ones while the Labor Department must trade in their cars for other used state cars in order to keep their vehicles on the road and to continue working?

Eight years ago Leon Anderson, your legislative historian, and then reporter for the Concord Monitor, stated that the State Labor Department had become the Orphan Annie of our state government. He urged that it was time that someone demanded action on this score. Fully realizing the overall needs of state government within our revenue structure, the task of providing the necessary funds is a great obstacle to the elected representatives of our state government. However, with your

interest and cooperation in trying to seek avenues of improving the services of the Labor Department, I am sure that much can be accomplished.

COMMITTEE REPORTS

SB 67

changing the compensation of certain state law enforcement employees. Ought to pass with amendment. Sen. S. Smith for the Committee.

AMENDMENT

Amend RSA 99:2, c. as inserted by section 1 of the bill by striking out in lines five and six the words "and motor vehicle investigators" and inserting in place thereof the following (motor vehicle investigators and law enforcement employees of the division of resources development, including, district fire chiefs and forest fire prevention and training officers.) so that said paragraph as amended shall read as follows:

c. The standard workweek for law enforcement employees shall be a basic forty-hour week. To the annual salary of such employees shall be added compensation equivalent to eight hours per week or four hundred sixteen hours per year. Law enforcement employees, for the purpose of this section, shall include liquor investigators, safety inspectors, motor vehicle investigators, and all law enforcement employees of the division of resources development, including, district fire chiefs and forest fire prevention and training officers.

Sen. S. SMITH: Mr. President, SB 67, to enact changing the compensation to certain State Law enforcement employees, what it does, in effect, is to add the original bill — added the liquor investigators and safety inspectors to put them on the same basis with conservation officers and State Police. The amendment, also, adds to this law enforcement employees with the division of Resources and Development which include district fire chiefs to support fire prevention and training officers.

Amendment adopted. Referred to Finance.

SB 68

requiring the attendance of the police officer involved in the arrest at hearings to set bail on felonies. Ought to pass with amendment. Sen. Bossie for the Committee.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Hearing for Bail. Amend RSA 597 by inserting after section 6-a (supp) the following new section:

597:6-b Hearing; When Required. Before bail is established for any person charged with committing a felony involving death or serious bodily harm there shall be a hearing before the court or bail commissioner at which time the principal investigating or arresting officer shall present information which may be relevant to establishing the amount of bail, if any.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. BOSSIE: Mr. President, the amendment is on page 42 of the Calendar. The amendment basically provides that whenever a felony occurs and bail is determined the bail commissioner shall require the attendance of the police officer who arrested the alleged felon, in cases where there is a felony involving a death or serious bodily injury. At the present time, and as I'm sure that, Sen. Nixon as you are the sponsor as is the case, the bail commissioner does not have the advice of the arresting officer as to the background of the individual. But doing this, it would help, not only the courts, who might get bail, but also the bail commissioner, if at night, to determine that this is the amount of the bail. If a person is dangerous or is alleged to have done a very dangerous thing to have harmed the body or life of another individual, it is felt that person who determines the bail should be aware of this.

Amendment Adopted. Ordered to third reading.

HB 110

relative to maliciously letting loose vessels. Ought to pass with amendment. Sen. S. Smith for the Committee.

AMENDMENT

Amend RSA 270:26-a as inserted by section 1 of the bill by striking out in line 2 the words "willfully or" and inserting in place thereof the following (willfully and) so that said section as amended shall read as follows:

270:26-a Interference with a Vessel. No person shall, without the consent of the owner of the vessel, willfully and maliciously cut away or let loose any vessel which is fastened to any mooring place or lying at anchor. Whoever violates the provisions of this section shall be guilty of a violation.

Sen. S. SMITH: Mr. President, this bill brings an act of willfully and maliciously cutting away or letting loose, injuring, damaging, destroying, or tampering with any vessel, guilty for violation under the new criminal code act, to take effect on November 1st. The bill originally said to "willfully cut away," it was amended in the House to "willfully or maliciously," and the Senate amendment changes "for" to "and" so that it reads "willfully and maliciously." so that it has to be a willful act and the intent has to be malicious.

Sen. SANBORN: Sen. Smith, I'm going to try to be facetious or anything, but what is the definition of a vessel in the state of New Hampshire.

Sen. SMITH: This came up in committee, it is not a tea-kettle; a vessel — I'm not sure of the exact legal definition, but I would assume it would be any boat, craft on the lakes of the state.

Sen. SANBORN: Mr. President, the only reason I ask this question at this time having spent a short period in the United States Navy, I was told by a high-ranking Admiral that there is no such thing as a vessel, except under the bed. There are only boats and ships and a boat can be hoisted aboard a ship and that is why I'm trying to find out what New Hampshire's definition of a vessel is.

Amendment Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. POULSEN: I move that the rules of the Senate be so far suspended as to allow introduction of HCR 11. This resolution has had public hearing and is only lacking public notice in the Journal.

Adopted.

HCR 11, opposing National no-fault insurance legislation. Ought to pass.

Sen. POULSEN: Mr. President, this resolution only memorializes against the concept of a Federal no-fault insurance. It presumes that no-fault should be handled on a statewide basis rather than Federal.

Sen. JACOBSON: Senator, if one supports this concurrent resolution, does that then indicate that he supports establishing a no-fault insurance policy for the state of New Hampshire?

Sen. POULSEN: It does nothing one way or the other for the state of New Hampshire. It refers to our work on it and memorializes against the Federal government dictating to the states that they shall all have a Federal no-fault insurance system.

Sen. LAMONTAGNE: Senator, I'm a little bit disturbed about the beginning of it, because it says 'opposing'.

Sen. POULSEN: Mr. President, I'll have the clerk read the resolution.

One minute recess.

Sen. JACOBSON: Mr. President, I'm somewhat disturbed by this resolution because I don't really know what the impact of voting Yes for it is, nor do I know really what the impact of voting No is. May I say my prejudice very clearly and unmistakably that I'm 100% for the strongest no-fault system that we can find and discover in this state or if it takes place nationally, I'm for it. I think there's something to be said for the fact that there may be 50 different no-fault systems that could be very confusing for the general public and because of the way in which we travel around the country, so it is my view that if Sen. Poulsen is correct and does nothing, then I would like to suggest that the Senate does nothing on it.

RECESS

OUT OF RECESS

Sen. Lamontagne moved that HCR 11 be indefinitely postponed.

Sen. LAMONTAGNE: Now, Mr. President, I feel sorry that at this time I have to make a motion for an indefinite postponement. And the reason for it, and I certainly want to apologize to Sen. Poulsen for not appearing yesterday to speak out the

way I want to speak out today. It was impossible for me to get in because of other commitments. But right now I personally feel that the wording that I've just mentioned "opposed" is the most misleading thing that anyone can ever face. Because as far as I'm concerned, this beginning of the resolution says "opposing" in no-fault insurance. And that's why I don't like that word of "opposing". And therefore seeing that this resolution means something, I hope that my motion will go through to indefinitely postpone.

Sen. SPANOS: For the purposes of clarification, if I may, what the resolution, in fact, says, is that we in the House and the Senate, wish the Federal Government to stay out of the field of no-fault insurance legislation. But it goes on to say that be it further resolved that the legislative leaders in several states are urged to initiate immediately appropriate automobile reparation reform providing prompt, fair compensation for automobile accident victims, keeping costs at a reasonable level and allocating costs equitably so the accident-free driver does not subsidize the accident-prone driver. So what I think it is trying to say basically, this is what you've got to vote on and I care less, is that stay out of the ball-game; we'll take care of it here in the Senate and the House.

Sen. BRADLEY: I would rise, Mr. President, in opposition that the motion be postponed indefinitely. I do think that the resolution has some meaning and conceivably could have some effect. The question of a national no-fault insurance plan is before the congress, there is some support for it if the legislatures in the various states do not act, I think it is apparent that eventually the U.S. Congress will act. In the interim, however, I think it's better, and this is a problem that could be better solved by individual states themselves — New Hampshire will probably call for some sort of plan this time and I hope it will, and I think we should be allowed to do it. I think if we do this it is the only means we have to tell Congress, hands off, we want to handle it ourselves and we think it is a good resolution.

Motion lost.

Adopted.

Report from Sens. Trowbridge and Preston on White House briefing.

Sen. TROWBRIDGE: Thank you, Mr. President. Some people have been asking for a written report of what the status today is on this particular subject. I'm glad I haven't bothered to write one, because if I'd written one yesterday it would have been out of date today anyway and what we're going to be doing is reporting as things change, rather than trying to say that things are so-and-so. But I can report about our trip to Washington which was a great thrill for me. I hope I never get so jaded and so blasé that I don't get a thrill out of sitting in the John Adams room in the White House with the sitting portrait of Lincoln, staring you in the face, listening to the top cabinet officials giving you their views of Federal budgets. There were 120 other State Legislators in the room, and all of a sudden, in the middle of it, the loud speaker system comes on somehow and says, "Ladies and gentlemen, the President of the United States." And the man walks in, turns around and he talks for a half an hour off the cuff to 120 of us. We were the only people who heard what he said, a far-ranging speech, not only about budgets, but how the budget ties in energy crises and how the budget tied to how we negotiated with Mao Te Sung. I would say that Bob Preston and I were very privileged and honored to be in that room during that half hour. After the President left, Secretary Weinberger came on talking about specifics of the Federal programs many of which are reported in my earlier report. Secretary Weinberger was very quick to say one must realize that these are only proposed rules and that he has received 30,000 comments on them in the last six weeks, and most of which were adverse. There was no question that the impression he left was that the department was going back to revising its thoughts and would come out with new regulations on the Health and Welfare side on May 1. Another of the things he made clear was that the restriction and the rule stating that eligibility for any of these social services should be restricted to those persons whose income is not in excess of 133% of what the state welfare payment was being reassessed. In other words, standard for eligibility to social services for Mississippi or even New Hampshire's welfare payment being so low it varied too much state by state and had no relation, really, with a person's income needs. The other thing he made clear was that the restriction to the use of donated funds to match Federal funds would be reconsidered and something like community chest payments which are collected donated pay-

ments, could be used for matching with Federal funds before a program.

But he also made it clear that some of these programs are going to end, and there isn't any more thought about whether they're going to end, they're simply going to end. And in that respect, both Weinberger and Secretary Butz and Secretary Lynn were all then telling us about the new Federal Sharing program, which I think you've heard of. I think reports have come back and they attempt to say, "Look, these programs are going out, but our new Revenue Sharing programs which are going into the Congress now will bring back more dollars than you're losing. I think if anything, the thrust of our conversation in Washington was not really so much on what the new Revenue Sharing program would be, but rather how do we manage the transition between the time when the old programs go out and the new ones come in. This is the real problem facing every state Legislature at the present time i.e. what happens July 1, 1973 when you go into the new fiscal year. So, we did have a very interesting time, and after we broke up Preston attended a Human Resources session, Speaker O'Neil attended a Natural Resources committee on the energy crisis and I attended community service hearings. Rep. Coutermarsh attended the Congress and Transportation deliberation. At this point, I'd like to turn the report over to Bob Preston who was a great help in hanging in there in the Human Resources seminars for the 6 or 7 hours that he did, because I think that he got a great impression of what was going on and can give it to you. Then when he's through he'll hand it back to me and we'll show you what we think the Senate should do.

Sen. PRESTON: Yes, Mr. President, I think being with Secretary Weinberger HEW, he indicated that a lot of what we've been reading in the paper are really proposals and the state has been contacted to react to them. And some misinterpreted this as a 30-day notice that there would be program cut-offs, but as Sen. Trowbridge indicated, we're more interested in what the direct impact would be on the start that we face as time goes on. I only witnessed when we left the White House was in the various conferences that were held was a real political type of war and I think the result of this emphasized in the Boston Herald this morning indicating the President won a stunning veto battle in regards to the voca-

tional bill that has been presented. The representatives of the administration indicated they were hopeful these special education acts would pass for example, but they weren't sure because there was a lot of interplay in Congress. Congressman Frazier of Minnesota was asked to comment on how to resolve the differences between Congress and the administration, and he stated that HEW has to back off on local prescriptions to state government programs. He said the Federal government had too many categorical programs for the minority and so some of the members of Congress felt sympathetic to the President's request for block grants, but the programs dictate uses. Both parties share more power to the state in the priorities of spending of dollars.

Regarding the B funds the fact that these programs would so affect the City of Portsmouth, for example, the Rep. of Arizona was told personally by Sen. Tenny chairman of Senate appropriations that B funds and impacted A funds will definitely continue in their move to put in congress to have bills offset this in the event that it was to be cut off June 30th as the administration bill would ensure. Assurances were given publicly and privately that a transitory period would be considered and that was really the purpose of the resolution that you will hear presented later today. All of those attending from the 42 states shared the same concern with other states in planning appropriations budgets in the next biennium where confronted with impossible situations of budgetary planning, and I think it's safe to say that the pressures brought to bear on the President and cabinet members of congress now and in the very near future who resolved in sufficient lead time in continued funding for these programs, such as library funds which cost us so much in the state of New Hampshire B funds, title 5, the effect the state board of education programs and will give us another lead time at existing levels to a fiscal year '74. Members of Congress have same 17 bills in, to counteract administrative proposals that might have these special programs. Senator Mondule for example, has a bill in to restore the private match funds for the mental health funds. Mr. Landis, secretary of HUD, and some of his representatives eluded to the fact that approved programs for water, sewage and pollution projects that those programs approved and in process would continue, and allow towns and state agencies to continue the project in which they're now involved. I think I conclude stating that the re-

port provided for the Senate by Sen. Trowbridge prior to our going to Washington was most accurate as it would effect the state of New Hampshire and we have requested HEW and they have consented to prepare a report on all Federal funding as it effects the state of New Hampshire under the existing situation and new proposals as they go along.

So in conclusion I say that the verbal assurances given us indicate no need for panic, the projects now in the fight for water sewerage, water pollution education — will continue by at least an existing level for the next fiscal year and it is our intention to follow these programs through congress and perhaps have more specific report as given today. I'll turn it over to Sen. Trowbridge.

Sen. TROWBRIDGE: Well I think, thanks, Bob, for that report. During President Nixon's address to us, he mentioned the fact that he had been gratified to see the concurrent resolutions he had received from certain state legislatures complimenting him on the end of the Viet Nam War. My little brain went to work and popped into place saying "Hm. the President must read concurrent resolutions since he spoke specifically about them."

When we got to the end of the conference, there was a wrap-up of the four subcommittees reporting on their conclusions, and one of which it was clearly his problem of timing, of holding the states harmless. And so it was our suggestion from the New Hampshire delegation that every state represented there go back to their representatives in their State Houses and put in concurrent resolutions to the effect of asking the President or the cabinet to make sure they do not precipitously send all of us into a fiscal crisis. I have drafted a — such a concurrent resolution today. I've placed it with the Rules committee. I have also done something a little bit different. Although this is a Senate Concurrent Resolution, it carries the sponsorship of myself and Sen. Preston and also is joined in by Reps. O'Neil, Coutermarsh and Roberts who are, although not members of the Senate, are all also joining in the sponsorship thereof, to show that it is a bi-partisan bi-cameral effort here. And so, perhaps at this time it would be appropriate if Sen. Poulsen were to make a motion and we would proceed, if we could then, with this resolution.

SUSPENSION OF RULES

Sen. Poulsen moved that the rules of the Senate be so far suspended as to allow that SCR 6 be introduced at this time without prior notification in the Journal.

SCR 6, relative to the serious adverse consequences of federal budgetary changes without sufficient notice and time during the transitional period.

Sen. POULSEN: This resolution has not had public hearing, but has had executive action in the committee.

RECESS

OUT OF RECESS

Sen. SMITH: I am a slow reader and I got about half way through the second page when I came across the phrase it's talking of the time when the new revenue sharing cuts may be enacted by Congress. I'm also a little confused as to whether that word should be in there from what Sen. Trowbridge said we may have additional funds as well as categorical grants. Now I hope you can give us a little more time for consideration.

RECESS

OUT OF RECESS

Sen. S. SMITH: I move that SCR 6 be made a special order of business tomorrow at 7:02 p.m. in Keene.

Adopted.

Sen. Spanos moved reconsideration of HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.

Sen. SPANOS: Mr. President, as you are aware, you and I served notice for reconsideration on this bill, we did so at the request of Sen. Porter who would like to have this matter reconsidered, he not having voted with the majority. This bill provides for the distribution of a list of the family planning services and agencies available to couples getting married in New Hampshire by having the Town Clerk issue same to the couple when they obtain a marriage license.

Sen. PORTER: Mr. President, I rise in support of the motion for reconsideration. This bill appeared in Laconia rather suddenly to my mind — it had not been in the Calendar the previous day, at least I did not spot it there. I've had a chance to talk to the sponsor of the bill and learned that this bill had been heard early in the House with a large number of persons turning out to provide testimony in support of this bill. It's interesting to note that Dr. Weiss also appeared before the House Appropriations for this bill which was sent after passage by the House for review to see if any monies were concerned. It was indicated that the total cost to provide for the issuance of this type of a list and everything, would not be in excess of \$200. In fact, it probably would be under the order of \$100 to \$150. I was advised that this Dr. Weiss felt that this type of material could be sent with other materials which are sent now to the Town Clerk. This bill, of course, provides simply a list of family planning agencies and services in the state available in New Hampshire. This provides no-nonsense information so that these soon-to-be-married couples might have available accurate data which they might find useful. They might choose as Sen. Nixon did, to have a larger family. But it would provide them with the accurate information they might need.

Sen. JACOBSON: Mr. President, I'd like to speak in support of the motion and without going into further detail, it seems to me House Bill 95 is a rational piece of legislation.

Sen. SPANOS: The question of the committee, Sen. McLaughlin, a great deal of water has gone over the dam since Laconia, and I'd like very much to know what the report of the committee was on that day. What did the committee find and report to the Senate on that day?

Sen. MCLAUGHLIN: Up in Laconia?

Sen. SPANOS: Yes.

Sen. MCLAUGHLIN: In Laconia, Sen. Sanborn spoke to the committee and stated something to the effect that the committee was unanimous in recommending this piece of literature. There's only several people showed up on the public health with no substantial information to the committee to warrant us recommending this ought to pass. There were very few people showed up for this; Dr. Weiss did not show up, nor did

Senate representation to our gathering to our meeting which we thought was partly noticed about our hearing and we couldn't feel any feeling toward recommending of this passage.

Sen. DOWNING: Mr. President, I rise in opposition of the motion. Being very brief and to the point, I just think the state should keep its nose out of family planning. and I don't think it should get involved in it in any way, shape or manner. And this bill would just be a, if it were to pass, would just be a method of opening up the door.

Sen. SMITH: I also rise in opposition to the motion for a definite reason. Personally, as far as the bill itself in concerned, I am not of the opinion that this is a great moment. I think that it was brought out in Laconia at the Senate session that there are ample points of distribution for such material. My purpose in rising, however, is the fact that this is not a unique situation in which we find ourselves. We find that a House hearing has Dr. Weiss come to speak or others come to speak to the House committee hearings. We conduct our hearings in the Senate and many of the persons involved — we had a bill yesterday in which several doctors were involved who did not bother to show up. I think this is a discourtesy and feel very strongly that our hearings should be meaningful ones.

Sen. PRESTON: As I recollect this going through my committee, but one person who appeared before our committee in favor of that bill is Rep. Greene. It is our opinion that this information is already available. Nothing prevents various agencies from mailing this literature to the Town Clerk, but we did not see the need to legislate and make it mandatory. They could certainly print it at little or no cost with this information and mail it in request to the Town Clerks to issue the same to articles, but we didn't see the need to legislate something like this.

Sen. GARDNER: Mr. President, Rep. Green came into the hearing and she made the statement that she introduced the bill by request. And I think that had a little bit to do about the decision.

Sen. JACOBSON: Senator Smith, there was a statement in your speech that disturbed me a little bit. Am I to believe that we use the qualitative theory with respect to the legitimacy or illegitimacy of the bill?

Sen. S. SMITH: I don't recall anything about any quantitative theory.

Sen. JACOBSON: Well, I think you said something about that there's a discourtesy to the Senate because people do not show up.

Sen. SMITH: I think that there are — I'm not saying quantity by any means — I don't know who showed up at the hearing on the bill that we're considering now, but there were several people whose testimony I would have considered might have some influence and might have been invaluable to the Senate's decision and not having people appear I think is not giving the Senate, which is an equal branch of our legislative system in this state, an equal opportunity to review the proposed legislation.

Sen. SPANOS: For the purposes of asking the question of someone on the committee, Sen. Gardner indicated that Rep. Green had indicated that she introduced the legislation by request. Did Rep. Green indicate to your committee at whose request the bill was introduced?

Sen. SANBORN: Mr. President, I can't remember that she named any individual.

RECESS

OUT OF RECESS

Division vote: 11 Yeas, 9 Nays.

Motion adopted.

Sen. Spanos moved that the words ought to pass be substituted for the words inexpedient to legislate with respect to HB 95.

Sen. Downing moved that HB 95 be made a special order of business for April 17 at 1:01 p.m.

Adopted.

(Sen. Porter in the Chair)

Sen. Trowbridge moved reconsideration of SB 60.

PERSONAL PRIVILEGE

Sen. JACOBSON: SB 60 having been indefinitely postponed at yesterday's session, does not rule 9 take effect with regards to any further discussion to this bill?

The CHAIR: The Chair will state that there are two Senate rules involved in its answer the first one, Rule 9, which states "a question which is postponed indefinitely shall not be acted upon in the same session unless 2/3ds of the whole number of elected Senators shall on division taken vote in favor thereof." Senate Rule 14 state that no vote shall be reconsidered unless the motion for reconsideration be made by a member who voted on the prevailing side

The Chair rules that the motion for notice of reconsideration having been given in the first 1/2 hour of today's session reconsideration can lie if supported by a majority of those voting today but no further action can be taken in respect to the bill in question except with a 2/3rds vote of Senators elected pursuant to the provisions of rule 9.

Sen. PORTER: If reconsideration passes and no other action can be taken on it and a 2/3rds vote cannot be obtained on it for any other action, what then is the status of the bill?

The CHAIR: The bill dies at the end of the session.

Sen. TROWBRIDGE: Why would it not be simpler then to rule that after indefinite postponement reconsideration cannot lie unless there is a 2/3 vote for reconsideration. That way we will not have our bills lie in limbo half way out.

The CHAIR: The Chair thinks that under the circumstances that ruling would be a very good rule to adopt.

Sen. DOWNING: It has been the opinion of some members of the body at least, that indefinite postponement was final. There has been precedence established in this chamber that a motion to reconsider with an urge to vote no on an indefinite postponement that they had carried, the Senators were instructed that such a motion was not necessary because indefinite postponement automatically killed any further consideration. Further there are Senators who voted on this measure and voted with the majority that aren't present now and in that case — first of all I don't think the ruling of the Chair was justified and

secondly I don't think it would be in order to make a ruling like that with Senators who are absent who were very much involved in the action on that bill.

The CHAIR: The Chair appreciates and sympathizes with the inquiry just heard and of course it was not the Chair that indicated that this bill be reconsidered at this time. I suppose those in favor of the bill did so I suppose they had equal opportunity to know who was present and who was absent. The Chair also sympathizes with the feeling that this ruling may be wrong and if so any ruling made by the Chair is subject to appeal and a vote upon by the Senate.

RECESS OUT OF RECESS

Sen. TROWBRIDGE: I withdraw my motion, on reconsideration of SB 60.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until tomorrow evening at 7:00 p.m. in Keene and in honor of Senator Jacobson whose birthday is today.

Adopted.

PERSONAL PRIVILEGE

Sen. SPANOS: On Thursday of last week at our Senate session in Laconia, I criticized the Governor for his ambivalent posture regarding the so-called "shield law". Yesterday, Sen. Gardner, under personal privilege, sharply criticized me for speaking out as I did indicating that my remarks were inappropriate for the occasion considering the place and those in the audience.

I feel compelled to respond — not in apology for the statements I made or that they were spoken in Sen. Gardner's district and before her constituents but in explanation of my actions.

Simply put. I obviously have a different view of my role as a representative and the role of the Senate sessions away from Concord than does the Senator from the fourth district.

First of all, we are legislators and we are like centaurs: part

political leader, part political animal. We are elected to represent all of the people of our district and state and 90% of the time, that is how we devote our time and our energies. However, the other 10% of us represents a political party. We all ran as Democrats or Republicans. None of us succeeded to the office of Senator running on the all-American ticket. And because we represent a particular political faith we are called upon at times to discuss and debate political issues with political motives in mind. This is not unique to the N.H. State Senate. It is the pattern of behavior of all representatives of the people — from the President of the U.S. down to the Board of Aldermen.

Were we not to involve ourselves in such political debate as the issues, I think, would be ruinous to the party structure, the political process, the whole scheme of government — and the losers would be the people we represent who would never know the truth of the day were we to deny them the right to evaluate the facts and the opinions of those in political life.

And that is why it is essential to a free democratic society that we become so involved and speak out whenever and wherever our political conscience moves us.

Which brings me to the second difference — those of us who voted to take the Senate to communities outside of Concord did so because we wanted to bring democracy to the people, to let them see government in action and quoting from the president he said “we hope this process of bringing government to the people will succeed in raising the level of knowledge of our state government and increase interest in its procedures by our citizens because it is the citizens who we serve — to let them see government in action.

The democratic process is a give-and-take; it means debate, discussion, innocuous issues, then our sessions outside of Concord are worthless, out of line and as phoney as a three dollar bill. They become an act. They truly become a “show”. Certainly not democracy in action and certainly not truly and honestly representative of the process — and again certainly not a true picture from which students and adults can draw honest conclusions and raise their level of knowledge.

I feel that our Senate sessions outside of Concord (whether it be Newport, Keene or Laconia) should be no different than the sessions we conduct in the State Capitol. When we leave

Concord we shouldn't be entering an isolation chamber. The people of our state should see us as we are — for better or worse and part political leader and part political animal.

If I thought for one moment that our sessions outside of Concord were going to be other than I have interpreted same to you — than I would have never supported the move to go to the people.

I hope that my view is the majority view and if it is not, will become the majority view. Otherwise, I have no alternative but to re-evaluate the purpose of the non-Concord sessions and respond accordingly.

There then are the reasons for which I arise, and if I can quote for you again — “All for the good of the order”.

RULE 45 PARAGRAPH II

Sen. JACOBSON: Mr. President, without involving myself in the question of the propriety of timing, I do wish to respond to Sen. Spanos' speech on immunity given at Laconia last Thursday. I had planned to speak yesterday, but because of the lateness of the day I deferred until today. I am never quite sure whom the Senator speaks for, but I want it understood I speak only for myself.

In summary, the Spanosian doctrine, negatively stated argues that the Governor withdrew his support of the immunity because he found himself a subject of the immunity question, or positively stated, the tax file search leak is solid evidence that an immunity bill is needed. If the foregoing be the rationale, I must stand on the side of the Governor, and do congratulate him on making the careful distinction between the genuine needs of immunity and any improper use of this significant instrument.

As far as I know, the Governor has given no indication that he would withhold any illegal or improper activities gained from any investigation conducted by his office. Investigation conducted by governmental agencies outside the public purview are common, usually carried out to check the veracity of information which may come to the attention of government, and then are made public upon verification. This is usually done, so that the possible violators do not have the opportunity

to cover their tracks. Neither is there any evidence that the Attorney General's office did not intend to make public any violation on the part of the Governor or his people after it too had investigated the celebrated tax file case. I am uneasy that the Attorney General did contact Governor's Councilors and legislative leaders before contacting the Governor, but be that as it may, the question of real immunity does not obtain. Not being privy to all the facts, my judgment is that the leak to the news media had as its principal thrust public embarrassment of the Governor, if this should prove factually sound, one can imagine the ultimate possibility for said suffering which a public official may be forced to endure, all kinds of personal failures or frailties might be leaked to the press with immunity. I want to be solidly on the record as being against this kind of immunity procedure. There are clear circumstances where immunity by the news media would serve the public interest. These are instances where important and high public officials deliberately withhold information of activities which are corruptive, wasteful or illegal. I am strongly opposed to governmental cover-ups which ultimately seeks to keep from public view malfeasance of public responsibility, but I am equally opposed to an immunity procedure which has as its ultimate and principal aim the embarrassment of public officials solely for personal or esoteric political gain. I am hopeful that Sen. Spanos will join me in seeking to distinguish carefully between genuine and spurious forms of immunity pleading.

LATE SESSION

Third reading and final passage.

SB 68, requiring the attendance of the police officer involved in the arrest at hearings to set bail on felonies.

HB 110, relative to maliciously letting loose vessels.

Adopted.

Sen. Preston moved the Senate adjourn at 4:25 p.m.

Thursday, 5Apr73

The Senate met at 7:30 p.m. in Keene, New Hampshire.

A quorum was present.

Welcome was given by Senate President David Nixon.

Presentation of Resolution to The Hon. James O'Neil by Senate President David L. Nixon, Sen. Blaisdell and Sen. Trowbridge.

Pres. NIXON: Before we open the session I would like to ask Vice President Spanos, Senator Trowbridge and Senator Blaisdell to kindly escort the Speaker of the House to the podium. Mr. Speaker, it is not often that the Senate has the opportunity to honor a member of the House and some say that it is not often that members of the House deserve such honor. But on this occasion we have a simple resolution which we hope to some extent exemplifies in words of our feeling for you. It simply reads:

STATE OF NEW HAMPSHIRE
SENATE CHAMBERS

KNOW ALL MEN BY THESE PRESENTS THAT WHEREAS, JAMES E. O'NEIL, SR., of Chesterfield, following his graduation from Deerfield Academy, and the University of New Hampshire has selflessly dedicated his life and talents to the service of others, particularly in the field of education, and;

Whereas, he has served his community and the people of the State of New Hampshire with high distinction in many capacities, including Town Moderator, School Board, and Conservation Commission; and;

Whereas, in particular, his service to the people of New Hampshire and his fellow man during his terms as a member of the New Hampshire Legislature from 1959 to the present time, has culminated in his being elected Speaker of the New Hampshire House of Representatives, and in which high office he exemplifies the qualities of sincerity, patience, good humor, and gentlemanliness; this

CERTIFICATE

is presented to Honorable James E. O'Neil, Sr., by the mem-

bers of the New Hampshire State Senate, during this 190th anniversary year of the Senate, as evidence of their great respect, admiration and deep affection for him.

In Witness Whereof, the Members of the New Hampshire State Senate, have authorized and approved the presentation of this Certificate at a home-town Senate Session meeting held in Keene, New Hampshire, this 5th day of April, 1973.

President

Vice President

Senator, District 10

Senator, District 11

ATTEST:

Clerk

JAMES O'NEIL: I won't take up too much of your time but I am overwhelmed and very deeply touched. I have nothing but the highest esteem for my brothers across the wall and I look forward for a successful conclusion of the next three months with a hard working session. Again, let me say from the bottom of my heart that I am very touched and deeply grateful. Thank you very much.

(Sen. Blaisdell in the Chair)

Prayer was led by Fay Lincoln Gemmell, Campus Minister.

O God of process, of thinking, and debate, our retarded spirits are in need of remedial education. Too often we know only memorized prayers — even the one which Jesus offered as an improvement over ones like this. In that model prayer Jesus suggested as appropriate the spiritual proposition that things could become “on earth” as they are “in heaven”.

Such teaching strongly intimates that there are things on this beautiful plant worthy to be seen as representative of things heavenly.

It is precarious for one human being to try representing something, to say nothing of trying to represent another person or a group of others, a “constituency”, a very impersonal word.

As in every other place in this place tonight there is no

way every single person's opinion can be represented. Upon each man and woman whose deliberations we will hear is laid the solemn responsibility of representing — indeed, being — his own best self.

Our deep need here and everywhere is for the moral integrity and strength to trust each other, to trust that even two persons can reason enough alike on some matters that together they can communicate sufficiently to survive in peace.

Such hope is toward democracy's ideal, a possible dream — if we are not asleep. Tonight we offer up our representative trying to achieve what we can, remembering with a poet that if a heaven is for anything, a man's reach must exceed his grasp.
Amen.

Pledge of Allegiance was led by Miss Debbie Neuhauser, Student President of Senate.

Introduction of James Masiello, Mayor of Keene.

Sen. BLAISDELL: Mr. President, members of the Senate I would now like to introduce the Mayor of the City of Keene, Mr. James Masiello, who will give his welcome to the Senate.

Mayor Masiello: Members of the New Hampshire Senate, representatives, friends, Dr. Redfern, and if I have forgotten anyone please except my apologies. On behalf of the citizens of Keene, I would like to welcome you to our fair city. We are really delighted that you had this chance to be here at Keene State College, and I know that some dollars were discussed today and again, on behalf of the city of Keene, I can assure you that your favorable treatment of our great college will certainly be appreciated. What I would like to do at this point is make a simple presentation to the President of the Senate, David Nixon. On behalf of the City I would like to present to you the key to the City of Keene welcoming you and complimenting you for bringing the government to the people.

I will not take any more of your time because I have another meeting that I am about 15 minutes late for. It is a City Council meeting and I hope you will forgive me for leaving. I know that this will be quite an experience for all of you and once again welcome to the City of Keene gentlemen.

Presentation of key to the City of Keene to Senate President David L. Nixon by Mayor Masiello.

Sen. BLAISDELL: At this time I would like to turn the gavel over to a distinguished Senator from District 11, Senator Trowbridge.

(Sen. Trowbridge in the Chair)

Sen. TROWBRIDGE: Mr. President I would now like to take this time to introduce some guests. Former Senator Harold Kendall, Rep. Francis Barker, Rep. Janet Dunham, Rep. Sumner Raymond, Rep. Homer Forcier, Rep. William Yardley and Rep. Bernard Streeter.

It is now my pleasure to introduce Leo Redfern, President of Keene State College. We had a very good meeting of the Senate Finance Committee from two to four today and we were discussing the budget for the college. It is a very good chance for the Senators to really get together with the faculty and the administration and we have nothing but the highest respect for the President of Keene State College and I would now like to turn it over to Dr. Redfern.

Dr. Redfern: Thank you very much Senator Trowbridge. Mr. President, Speaker of the House, ladies and gentlemen: On behalf of the students and staff and alumni of Keene State College I would like to say that it is a pleasure to have this historical moment of this meeting of the New Hampshire Senate in the Spaulding Gymnasium on the campus of Keene State College. I wish you well in your deliberations this evening and I extend to you a cordial welcome and I hope you return and visit us often.

Sen. TROWBRIDGE: It is now my pleasure to introduce Leon Anderson.

LEON ANDERSON: This is an historic event for 64-year-old Keene State College, for this is a first meeting of the 190-year-old New Hampshire Senate in 220-year-old Keene, or 202-year-old Cheshire County.

This is one of a series of "Home-Town" Senate sessions being held weekly to help celebrate New Hampshire's 350th anniversary of its 1623 settlement, and to bring legislative doings closer to the people.

A pamphlet history of this Senate, from its creation in 1783, has been prepared for distribution at these Thursday

meetings. Copies are also available from your Senator for use in schools. This district is represented by Senator Clesson J. Blaisdell, guest host for this evening's visit.

When the present State Constitution was enacted in 1783 by the people, after they had rejected three proposals because they were not democratic enough, our new government was based upon checks and balances against autocracy.

The Senate was created to serve above the House of Representative, as a curb and safety valve upon doings of the lower chamber. Constitutionally, this continues to be its prime function, although history records that the Senate has, on occasion, displayed legislative leadership in sponsoring common welfare improvements, when the House has been remiss in such duties.

The Senate comprised 12 members in its first 95 years. This was doubled when the Legislative and the entire state government went on a biennial basis in 1877.

Both branches of the Legislature set their own pay for 105 years. The members paid themselves \$2 per working day and it gradually went to \$5 after the Civil War. In 1889 after five biennial sessions ran longer than anticipated in the change from annual sessions, the people approved a constitutional flat \$200 legislative salary, regardless of how long sessions lasted. Purpose of this arbitrary action was to keep the biennial sessions within 40 days, or less, like the annual sessions. But the sessions ran over two months in the 1890s, then three month, and after the 1929 depression devastated the old American way of life, our legislative sessions went into six months, and even longer. So in 1960 the voters barred mileage payments after 90 working days or July 1 of a session year, as a new deterrent to protracted deliberations.

While the \$200 salary was not bad for 1889, it has long been a travesty of justice. Even our State Supreme Court has labelled it a sorry disgrace. A common sense upward adjustment is overdue. We suggest legislative pay should be pegged at the average wage of New Hampshire workmen. This now runs to \$25 per day, and would automatically adjust with wages of the average citizen, as they rise or decline.

Senator C. R. Trowbridge, publisher of the famous Yankee magazine and Old Farmer's Almanac, is tiny Dublin's fifth

State Senator down through 190 years, after three terms in the House. He is chairman of the powerful Senate Finance Committee and is earning the respect of state government officials because of the time-consuming study and understanding he is devoting to the biennial budget problem.

Mrs. Katherine Jackson, Dublin's only woman Senator, served in 1953. The town's three earlier Senators were Thomas Fisk, who served two annual terms in 1859-60, Henry D. Learned of 1905 and Arthur Appleton of 1931.

Clesson J. Blaisdell, sports store operator, is Keene's 33rd State Senator since the upper branch of the Legislature was created in 1783.

Keene has had two Senate Presidents, and missed a third in 1971 when John R. Bradshaw moved to nearby Nelson to win a third term in the Senate and serve as President.

Keene's two Presidents were Bertram Ellis, noted Evening Sentinel editor, in 1901, and Arthur R. Jones, wool manufacturer and three-term mayor, in 1931.

Daniel Newcomb was Keene's first Senator in 1795 for three terms. Lockhart Willard had five terms starting in 1806. Then there were John Wood 1819, Salma Hale 1825, Henry Cooledge 1837, John Prentiss 1838, Benaiah Cook 1844, Royal H. Porter 1876 and Edward Gustine 1879, the first time the Legislature went on a biennial basis.

Keene has had one woman Senator, Mrs. Irene Weed Landers in 1955.

Other Keene Senators have been William P. Chamberlain 1885, Charles H. Hersey 1887, Daniel W. Rugg 1889, Joseph R. Beal 1891, Clement J. Woodward 1893, Frederic H. Faulkner 1897, George H. Follansbee 1905, Charles Gale Shedd 1907.

Also Windsor H. Goodnow 1911, Frank Huntress 1913, Orville E. Cain 1915, George H. Eames Jr. 1919, Herman C. Rice 1923, Harry D. Hopkins 1925, George F. Knowlton 1933, Marquis O. Spaulding 1939, Russell F. Batchelor 1943-47, Burleigh R. Darling 1951, and Arthur Olson Jr. 1963.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 120, providing that each county must participate in

and pay for the commodity food distribution program. (Lamontagne of Dist. 1 — To Public Health, Welfare, and State Institutions.)

SB 121, relative to the transportation of gasoline and fuel oil. (Lamontagne of Dist. 1 — To Public Works and Transportation.)

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 547, authorizing housing authorities to recognize unions and enter into collective bargaining contracts with such unions. Judiciary.

HB 531, relative to election of a town board of assessors. Executive Departments.

HB 519, relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282. Ways and Means.

HCR 14, honoring prisoners of war. Rules and Resolutions.

HOUSE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 110, relative to maliciously letting loose vessels.

ENROLLED BILLS REPORT

HB 4, providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid.

HB 423, relative to the board of examiners of nursing home administrators.

HJR 13, making an appropriation to the New Hampshire Hospital Auxiliary.

HJR 10, providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling.

SB 13, relative to conservation officer Warren Jenkins.

HB 73, providing for better control over subdivision development of land in New Hampshire.

SB 36, relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto.

Sen. Provost
For The Committee.

COMMITTEE REPORTS

HB 414

to establish a procedure to repeal historic districts in cities and towns. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 414 was introduced by Representative Whipple of Cheshire District 4. This bill simply establishes a procedure to abolish historic districts by a vote of 2/3 of the members of the local legislative body present and voting. Rep. Whipple in his testimony before our committee introduced this bill because the present law doesn't set up a procedure for repealing historic districts. I might add that Rep. Whipple doesn't want to repeal any historic districts. This bill really protects those districts. This bill would require 25 signatures and would require two public hearings and a 2/3 vote of those present. The present law states that a ten signature petition is enough to introduce this into a warrant.

Sen. Trowbridge, of District 11 is in favor of this bill. The committee was unanimous in reporting that this bill ought to pass and I ask your support on HB 414.

Adopted. Ordered to third reading.

HB 449

relative to the establishment of reserve funds. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 449 provides for the establishment of a reserve fund in order that towns which wish to move to the fiscal year from the calendar year as the financial accounting period can ease their financial stress. Such a change would require an initial financial year of 18 months with about a 15% to 20% increase in the first year overall budget. What this bill allows is that cities and towns may anticipate their charge by budgeting a reserve fund for a period of years prior to the actual change over period. The committee recommends passage of HB 449.

Adopted. Ordered to third reading.

HB 261

To provide for a uniform fire and safety code applicable to all towns and village districts of the State. Ought to Pass with amendment. Sen. Preston for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to provide for a uniform fire and safety code applicable to all towns and village districts of the state and to provide construction standards for certain public buildings.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Construction Standards. Amend RSA 155-A:1 by striking out said section and inserting in place thereof the following:

155-A:1 Construction Standards. All new buildings constructed by the state or any of its agencies, and all new schools, hall, theatres or other public buildings in this state in which more than one hundred people can be assembled shall conform to standards not lower than those established by the "National Building Code", 1967 Edition, and amendments thereto duly adopted, except that standards, including definitions, not lower than those established by the "Life Safety Code", NFPA Doc. No. 101, 1970 Edition, and amendments thereto duly adopted, shall take precedence over all provisions of the "National Building Code" respecting means of egress. Amendments to said code shall take effect only after being adopted in accordance with the procedures for promulgating rules and regulations by the state fire marshal as set forth in RSA 153:5.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. PRESTON: Mr. President, HB 261 was introduced by Rep. Bigelow of Merrimack, Dist. 3. It provides for uniform fire and safety codes for towns and cities in the state to provide construction standards on certain public buildings. It is an effort to try and update the codes through the nationally recognized codes. This bill simply allows the small towns to

participate as the cities do in recent fire codes. There was no one opposed to this bill and it was supported by the state fire marshal and the Director of Safety Services. The committee recommended that it ought to pass.

Sen. BRADLEY: Senator Preston, what would the passage of this bill do to a by-law of a town which is presently in effect and which might be inconsistent or is inconsistent with the so-called life safety codes?

Sen. PRESTON: As stated on the bill, "all by-laws and ordinances of towns and cities must conform to this code." I asked this very same question of Rep. Bigelow on what effect it would have on the existing places of public accommodations and at all times any reported violations must conform to the new code.

Sen. BRADLEY: I don't understand how a town could really have any by-laws or ordinances other than the safety codes it has itself. Is this a correct assumption on my part that these can still be by-laws in this area which are in same way different than life safety codes itself?

Sen. PRESTON: This means that they shall conform to what they call National Buildings Codes, 1967 edition, and also the Life Safety Codes of 1970. It takes precedence as it has been explained to us, and also the Life Safety Codes of 1970. It takes precedence as it has been explained to us, over the National Building Codes. It simply is updating them to modern fire requirements. I am concerned with the effect on small towns and that is why I directed that same question to the fire marshal. He said it was something that would be corrected over a period of time on the violations reported.

Sen. BRADLEY: Was there any opposition before the committee from small towns as to the effect this might have on them?

Sen. PRESTON: We had no inquiries and we had no one who appeared before the committee. I would like to defer this to Senator Jacobson.

Sen. JACOBSON: To further respond to your question, that is the one prior to the one you just asked. What this does is sets the minimum standards and if a town or city goes beyond those standards in terms of the by-laws they could but they

could not be less than. This practice is developing in other areas as well. What it establishes is a minimum standard.

Sen. DOWNING: Where does the term Life Safety Code originate from?

Sen. JACOBSON: As far as I know, this has been developed by those persons who are directly involved on a national level with respect to establishing safety standards with regards to fire hazards.

Sen. DOWNING: Is there anyone else that knows anything about it or any more about it? This bill seems to create a dictator in the state fire marshal's office relative to fire codes and any units. Assuming that there are perhaps some areas in some communities that may not conform to what the state fire marshal says ought to be, what would the position of these places and of these communities; is there any provisions which over a period of time makes it necessary that they must conform to his judgement? What is the statute of any given community that doesn't immediately conform to what the state fire marshal says it ought to be?

Sen. JACOBSON: I think that you should bear in mind that this is actually permissive legislation, where it says "may", and any of these that are may, they must conform. With the kindness of Senator Preston, who really worked on this bill and not me, these two words, it was changed from "shall" to "may" in the paragraph in the first part there. Do you see it?

Sen. GREEN: I am looking at the amendment on page 51 of the Calendar and I am a little confused now with the comment that has been made that this is permissive legislation. It still appears to me in the amendment "shall conform to standards no lower" I don't see that as permissive legislation. Would you comment on that please?

Sen. PRESTON: According to the sponsors of the amendment, it indicates that the two words are changed to objections of shall, which are mandatory, to words may. May I ask what section you are reading of the amendment?

Sen. GREEN: It is 155:A Part 1, talking about construction standards, it is about the fourth line down, shall conform.

Sen. PRESTON: It does say that all new buildings constructed by the state, not existing ones.

Sen. GREEN: That is now mandatory?

Sen. PRESTON: Yes, that is mandatory?

Sen. GREEN: In other words the existing structures are permissive?

Sen. PRESTON: Those are permissive and would be corrected as the violations were reported.

Sen. GREEN: Has any consideration been given by the committee as to what these new standards will mean in terms of actual construction costs for local districts, school districts, municipalities, and towns?

Sen. PRESTON: No, we didn't get into that but the local building inspectors of the cities and towns, some have been abiding by this requirement under the two codes suggested. This is trying to obtain a uniformity. I know in my own town of Hampton, for example, the local buildings inspectors, be it public or private, are now attempting to conform to these codes. We did not go into building costs.

Sen. S. SMITH: I believe in your reply to Sen. Green that this would apply to all new buildings only, but then I thought I heard you say that also existing buildings as violations were reported.

Sen. PRESTON: I will quote the representatives and the fire marshal because I asked them the same questions as far as making them comply. It would regulate at the time of existing violations, they would be complying with the new code.

Sen. S. SMITH: Could you enlighten us as to who these people are who developed this so called National Building Code and also how this relates to the so-called Life Safety Code?

Sen. PRESTON: I cannot do that Senator. I think perhaps Sen. Brown who is in the construction business could help us.

Sen. BROWN: Being in the construction business myself and having been the past building inspector of the town of Newton, being familiar with the National Code, that is made up of architects of the nation, fire safety inspectors of the nation, construction people of the nation, which is a group which meets in Chicago yearly to revise and to form these national codes. Back to what Sen. Downing said in relation to National Codes,

now this National Code was in the towns and most towns follow it today. It is a good code, it is a good safety code but it is not as severe as some other codes such as the Boker Code. I agree with Sen. Downing that it does give the fire marshal dictatorial powers over this code that he doesn't agree with, even though the towns are subjected to it and it is what they follow and if they don't agree with it it gives the fire marshal the right to go in and make changes on and above this. I am not in favor of this bill incidently.

Sen. S. SMITH: Does this code take into consideration local conditions, saying that building construction requirements must probably be different in hot climates, say in Florida compared with the needs of the building that exists in this part of the country, does it take into consideration the amount of snow on roofs?

Sen. BROWN: Yes, it does. You specified on roofs, it does, it is specified and it is generally nationwide taking the most severe case into effect, the roof would have to hold 55 lbs. per sq. foot. That is perhaps too heavy in the southern part of the country but they take the severest case.

Sen. S. SMITH: Does that mean, for instance, that in Florida under that code that they would have to build for the same snow conditions that we have in New Hampshire and conversely do we have to build for the same Florida conditions?

Sen. BROWN: No, in the code it takes the severest case. In Florida we realize that they do not need as heavy a roof and they will sit down with the association that makes the national code and they will come up with a compromise and this has been done numerous times.

Sen. LAMONTAGNE: I would like to have someone answer this question and the reason why I am asking anyone, why is nursing homes left out of this bill? I think nursing homes have a great importance. Can anybody answer that question?

Sen. BLAISDELL: I can't answer your question Sen. Lamontagne but I would like to make a motion if you would let me.

Sen. LAMONTAGNE: I would be glad to, I hope it is to recommit.

Sen. BLAISDELL: I move that HB 261 be made a Special Order of Business for April 17.

Sen. LAMONTAGNE: I move that HB 261 be recommitted back to committee on Executive Departments.

Sen. JACOBSON: Mr. President I am opposed to the motion of Sen. Lamontagne, simply on the reason that we can handle the very same thing by making it a special order about 10 days from now and we can come up with any answers to questions without having to recommit.

Sen. LAMONTAGNE: I would like to state my reasons. The reason why I requested that this be recommitted back to the committee is because nursing homes had been a problem between the public health department and the fire marshal, and who is going to enforce the law. This has been a problem for a long time. Now, six years ago, the bill I introduced, I thought it would correct the matter but it did not correct the problem that we are facing so therefore, I feel that this bill is of great importance and I am sure that the nursing homes with the senior citizens that they have in them that they deserve some protection. Now the Public Health Department comes over and makes a statement to the nursing home and makes this statement that they have to have a fire escape here when the fire marshal says it should be there. So I think this bill here ought to be recommitted back to the committee so this matter can also be straightened out between the state fire marshal and the Public Health Department.

Sen. BROWN: I would like to answer Sen. Lamontagne's question in relating to nursing homes, it does cover the construction and safety codes. I think you will find that this is fully covered under hospital services, Mr. Billings department under HEW, he has a man, Leo Estes, who has complete charge of all of the construction of nursing homes and hospitals and they have to follow this and this is completely covered under his department.

Sen. LAMONTAGNE: I still feel that it ought to be re-committed back to the committee so that it can be straightened out on this problem and as far as I am concerned the recommendations that are under this bill ought to be changed because they are wrong.

Sen. BROWN: The building code under the hospital services are much more severe than any other code that you could have in relation to the construction throughout the nation.

Sen. JACOBSON: If this is defeated does Sen. Blaisdell's motion obtain?

The CHAIR: Yes, if the motion to recommit is defeated then we would take up the motion made by Sen. Blaisdell to be made a special order of business.

Division Vote: 5 Yeas, 15 Nays.

Motion to recommit lost.

Motion for special order adopted.

Introduction of John R. and Mrs. Bradshaw.

Introduction of Bob Mallatt.

SB 18

requiring reflectorized number plates on motor vehicles. Ought to pass with amendment. Sen. Sanborn for the Committee.

AMENDMENT

Amend RSA 260:9 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

260:9 Number Plates. The director shall furnish at his office, to every person whose motor vehicle is registered, a number plate or plates of suitable design. In order to promote safety and to facilitate the identification of plate letters and numerals at night, all number plates issued beginning January 1, 1975 shall be treated with special material so as to make the background fully reflective and the letters and numerals thereon readable at night for a minimum distance of one hundred feet with other illumination, and, upon issuance of such reflective number plates, the director may charge a fee not to exceed five cents above actual cost in addition to all other fees which may be required. Such plate or plates shall be furnished by him yearly, or at whatever interval of years he shall determine. In all cases, such plate or plates shall bear on the face thereof a permanent or changeable designation of their effective period.

Sen. SANBORN: This bill requires that all number plates beginning with the first general issuance subsequent to 1974 shall be treated with special material so as to make the background fully reflective, and the letters and numerals thereon readable at night for a minimum distance of 100' with other illumination. The director may charge a fee not exceeding 5c above the actual cost in addition to all other fees which may be required. The amendment was made to change it to 1975 and it clarified some of the wording in the original bill. It was made 1975 because we have been told by Commissioner Flynn that the present plates issued are printed to go for two years, 1973 and 1974. This is what we had in mind when we changed the date to 1975. We heard considerable comments on this bill and the only — to give you an idea of the amount of material that we had on this (showing material). The Senate recognized the safety features on reflectorized number plates and they were all in favor of them because of their safety factors.

I would like to say that Commissioner Flynn did state to the New Hampshire Sunday News on March 11th, that he said that the Senate Finance Committee was now debating whether the new multi-year plates to be issued in 1975 should be painted or reflectorized. He further stated that the state of New York has offered to sell us reflectorized plates at 96c a pair. That is a difference of 54c a set over the 42c a pair that was the figure we had to produce the painted plates. There is a surcharge of 54c every four years and a \$24.00 a year registration charge would seem to be a very small sum to pay for the added legibility and safety benefits from reflectorized plates. This was Commissioner Flynn. The only person who appeared against this bill was Fred Clark and for some unknown reason he seems to have a feeling that reflectorized plates have no great benefit towards safety on the highways. After all of the various testimony we received and various studies we can see that it does definitely have safety features. The only other thing that Mr. Clark did say was that reflectorized plates do not last. I think you have all seen the results of the painted plates we have now, and they do not last. I would like to show the Senate at this time a reflectorized plate that was taken off a Maine car and they were on the car for five years. (showing plate). There are some other samples that could be obtained to show you some other states. I think I know what Senator Blaisdell's question is and I can say

that this was taken at random. There is also one other thing that can be done with the reflectorized material that is impossible to do under the present painting system. That is in 1975 we are going to start in the bicentennial of this country. To give you an idea of what could be done in New Hampshire with a reflectorized plate to recognize the bicentennial (showing plate) this gives you an idea of what can be done with the reflectorized material. This is impossible to do under the present painting procedures. If we had a fully darkened room and a flashlight all of you could see very nicely how this reflectorizes and it makes the words fully visible. I urge the passage of this bill.

Sen. BLAISDELL: Did you say that it was taken from a random garage?

Sen. SANBORN: From a random car.

Sen. TROWBRIDGE: I would just like to say that for a couple of years I have been rather skeptical about the reflectorized plates. I heard of all of the production problems that the prison was having and when Frederick Clark came before the committee he mentioned the fact that the material had already been ordered all the way up to 1976 and all sorts of flack was put up to defeat this bill. I am proud of Sen. Sanborn who stuck to his guns, he did his homework and convinced me that 50c on a four year plate, that is $12\frac{1}{2}$ a year, people of New Hampshire are really going to get a bargain in terms of safety. I have become convinced and I don't think that there will become a problem and extending the time out to 1975 because at that point we will be making the new plates and I urge the passage of SB 18.

Sen. PORTER: Are the legislative plates that are now being used reflective?

Sen. SANBORN: They are but they are not fully reflectorized. They should have been coated to make them fully reflectorized.

Sen. PORTER: Would you agree that they have lasted for several years?

Sen. SANBORN: Certainly.

Sen. LAMONTAGNE: Could you tell me whether or not the State Prison who manufactures these number plates, whether they would have to change their dyes in anyway?

Sen. SANBORN: Right now Commissioner Flynn has assured me that the State Prison would have no problem in making these reflectorized plates. In fact they are making some reflectorized plates now at the State Prison.

Sen. LAMONTAGNE: What has Fred Clark said? After all he is the Director and he is the one in charge of number plates, what did he say?

Sen. SANBORN: He never commented on whether the prison could do it or not.

Amendment adopted. Ordered to third reading.

Sen. Steve Smith, Under rule 42, wishes to be recorded as voting neither for or against the motion.

HB 397

relative to the permitted use of privies. Ought to pass with amendment. Sen. Sanborn for the Committee.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Permitted Use of Privies. Amend RSA 147:8 by striking out said section and inserting in place thereof the following:

147:8 Toilets; Drains. No person shall occupy, lease to any other person, or permit any other person to occupy, a building or any part of a building as a dwelling house, office, store, shop, theater, public hall, sleeping apartment or tourist cabin, unless such building shall have readily accessible adequate toilet and lavatory facilities, properly ventilated and constructed, and kept in proper sanitary condition; and unless said building shall be provided with suitable drains or sewers for conveying waste water and sewage away from the premises into some public sewer, if there be one within one hundred feet thereof, and if not, for conveying it away underground or in some other manner that will not be offensive. The phrase public sewer, as used in this chapter, shall be understood to mean any sewer constructed and maintained by taxation, or any sewer which is open for general use upon the payment of a rental, license or other fee. Notwithstanding the provisions of this section, pri-

vies (outhouses not conveying sewage by water) may be allowed if such facilities are first approved by the local municipal health officials as to location and construction of the facilities. At the option of the local municipal health officials, further approval may be required by the water supply and pollution control commission, prior to the construction of such facilities.

Sen. SANBORN: Mr. President, the committee of Public Health and Welfare introduced this bill. They had several people before them to testify and we are trying to accede to the wishes of the House which sent the bill on to the Senate. We desire that we should not sit on this bill and to be sure to get it moving so the Governor could act on it. On page 52 of your Calendar you will note the amendment. This amendment was offered to us by the Water Supply and Pollution Control Commission and they had the feeling that the amendment would support their position on the bill. The actual amendment basically makes one small change in defining in the bill actually what a privy is. Notwithstanding the provisions of this section private family toilet facilities may be allowed if such facilities are first approved by the local municipal health officials as to location and construction of the facilities. At the option of the local health officials, further approval may be required by Water Supply and Pollution Control Commission prior to the permitted use of such private family toilet facilities. There was also a few changes in the first paragraph, requiring that facilities, so called, would have to be properly ventilated. Those who appeared before the committee even had some plans prepared for us. Being an old country boy, I have seen these facilities in the past and they were the mechanical type with the inside furnishings. We did question them on this and they agreed that a soft pine board would suffice. We learned from the committee that the location for such facilities is very important. It should not be on a steep slope, leading to some waterway. It should not be too near some lake or moving river. Again, as an old country boy, I agree with the committee relative to the steep slope because it can be along towards Halloween time disastrous, especially if you happen to be inside. Again, the location, you should have a lot of consideration. They should be a distance from the house so that there are no flies or anything bothering the house, however, it should be in close enough proximity so that if something happens in

the night it wouldn't be too far to run to. We do feel that this bill has a certain amount of merit, especially in Grafton County and probably from Hanover where probably the two uncles of Sen. Bradley comes from. We urge the passage of this bill.

Sen. BRADLEY: Mr. President when this bill was first introduced into the Senate you may recall that I got up and made a certain disclaimer. In view of the fact that this bill is sponsored by two people named Bradley, one of whom is also David Bradley and also lives in my town. I thought that this disclaimer would be sufficient however I found that it wasn't and even members of my own family assumed that I was the one that introduced this bill. With respect to the sponsors, the Rep. in front of the name Bradley stands for representative, not republican. The other David Bradley is a Democrat. Seriously, I think this bill does have merit and I urge its passage. There are situations where a privy is the best solution to the problem from an ecological standpoint.

Amendment adopted. Ordered to third reading.

HB 421

relative to the appraisal of and payment for diseased animals after their condemnation. Ought to pass. Sen. Blaisdell for the committee.

Sen. BLAISDELL: Mr. President HB 421 was introduced by Representative Hall of Hillsborough District 12. This bill sets the evaluation of condemned diseased animals at their true market value for purposes of indemnification. This act also simplifies the procedure which payments are to be made indemnification for diseased animals which are destroyed.

The reason why Rep. Hall introduced this bill is because in his district he had an outbreak of Bangs disease among their cattle, the cows were condemned and the indemnity that was due them by the state was so out of date that the salvage value of the animals was nowhere in line with the present values. It allows the Department of Agriculture to assess the cows at their true value in spite of the fact that they were diseased. Commissioner Townsend spoke in favor of this bill and the committee was unanimous in approving this bill and would ask the consent of the Senate.

Adopted. Ordered to third reading.

HB 389

increasing certain penalties for forest fire violations. Ought to pass. Sen. Brown for the Committee.

Sen. Brown moved that HB 389 be recommitted back to committee.

Sen. BROWN: Since this bill left committee there has been further research done and we found that the penalties to be imposed by this bill are far greater than we were led to believe. We believe that there should be further study on this bill and that is the reason why I am asking for it to be recommitted.

Motion adopted.

HB 330

to provide a limit on the number of beaver an individual may take during an open season. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill refers to the taking of beaver. It is directed to one community only and it limits the taking of beaver to the amount of 10 per person during any open season. Fish and Game testified and they indicated that they are now allowed to set the limit and they did not care to set certain limits for certain communities. Once again the legislature's attempt is to assume the regulations that we think have been well carried out by the director and his commission and we suggest that it ought to remain within the Fish and Game department. That is why we are reporting it inexpedient to legislate.

Adopted.

HB 43

relative to controlling use of heating or agitating devices in the waters of this state. Ought to pass with amendment. Sen. Porter for the Committee.

AMENDMENT

Amendment RSA 270:31, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

270:31 Heating, Agitating or Other Devices in Public Waters, Safety Hazard. No person shall put, place, operate or

cause to be put, placed or operated in the waters of this state any so-called heating, agitating or other device which inhibits or prevents the natural freezing of water, or forming of ice, which impedes either the ingress or egress to or from ice by means of any public access thereto. If the heating, agitating or other device is placed anywhere else, nearby signs shall likewise be placed to warn of possible danger. Said signs shall read DANGER, THIN ICE and shall be of sufficient size to be readable at a distance of not less than one hundred and fifty feet, and shall be visible from all directions and shall be equipped with reflectors and color-coded in a pattern unique for this purpose only. The department of safety is hereby authorized to establish said unique design and coloring and any homemade copies shall follow this design and coloring. The provisions of this section shall be enforced by any law enforcement agency under the direction of the department of safety pursuant to RSA 106-A:14 and the department of fish and game pursuant to RSA 206:26.

Sen. PORTER: Mr. President, HB 43 was introduced by Rep. French of Belknap District 1. It regulated the use of aqua-therms in the waters of New Hampshire. An aqua-therm is a device which is used to keep water from freezing around the docks, thereby protecting them from the shifting pressures of ice. Docks represent a substantial investment and the use of aqua-therms help protect this investment.

The amendment appears on page 51 of the Calendar and it provides that aqua-therms may be placed at the entrance or exit of the public access of any water. This amendment was proposed by the sponsor, Rep. French and it assured that persons going on to a lake which is frozen during the winter will have their safety with the aqua-therm and by requiring that such areas surrounding such devices be distinctly marked and requiring that persons wishing to use such devices obtain a permit from the town or city clerk in the town or city where the device is to be used. The committee urges its adoption.

Sen. S. SMITH: Does this bill take into consideration the night lighting? Are these to be reflectorized?

Sen. PORTER: Yes, it does Senator. The bill requires signs which are reflectorized and will be placed and will read "danger thin ice" and shall be of sufficient size to be readable at not less

than 150 feet and shall be visible from all directions and shall be equipped with reflectors and color coded in a pattern unique for this purpose only.

Sen. BOSSIE: First of all is there a necessity for this bill in New Hampshire? What is the necessity? Secondly in the amendment it provides for signs such as, danger, thin ice and shall be of sufficient size to be readable at a distance of not less than 150 feet. Now wouldn't it be more precise to say that every sign should have this. I can just imagine what this will do to a lawyer defending someone in violation of this.

Sen. PORTER: First of all there are some 80 to 90 of these devices on Lake Winnepesaukee alone. What happened is that people are endangered, snowmobiling for example, going on and off the lakes. They should see the signs so as to warn them of thin ice. I read where one gentleman went through the ice on a snowmobile and was drowned. On the second question as to indicating some act relative to signs and letters this was not suggested and your suggestion that lawyers may have a problem may be true. We had none on the committee and we didn't face the problem.

Sen. S. SMITH: I rise in support of the amended bill. Sen. Gardner and I come from the Lakes Region area of the state where these aqua-therms are being used more and more every year for the protection of boathouses, snowmobiles, etc. and for a number of years there has been a problem and I think this bill answers the questions from at least a beginning point. I hope the Senate will adopt this measure and I think that for the possible reason that in the future many lives may be saved by it.

Adopted. Ordered to third reading.

(Debbie Neuhauser Student Senate

President in the Chair)

SB 73

to establish a state liquor store in New London and making an appropriation therefor. Ought to Pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, SB 73 was sponsored by Sen. Jacobson and it was to establish a liquor store in New

London. There were seven people who appeared in support of this bill and there was no opposition to it. We had no one testify from the Liquor Commission however, we did have a priority list prepared under the name of Liquor Commission, which I think probably only confused the committee a little bit. We had the Chairman of the Commission recently testify before the Senate relative to a plan for opening seven new stores and a list of their priorities and on the priority list furnished to the Committee there were two stores which would be created by special legislation, being West Lebanon and New London were higher on the priority list than the two that were recommended or mentioned by the Commissioner. As I said this was a little bit more confusing, however, in concerning ourselves with New London's case specifically, the people there indicate that they can support a store and they feel that they need a store and that they have to travel a minimum of 14 miles in one direction is an inconvenience not only for the residents but for the many seasonal people who visit that area. We did question the funding but recognized that this bill would be sent to Senate Finance committee and thought we would concern ourselves with the revenue, being the Ways and Means committee, we would let the Finance concern itself with expenses.

Sen. SPANOS: You indicated that people in New London had to travel 14 miles to get to a liquor store. Where do they go to get their liquor?

Sen. DOWNING: I understand your concern Sen. Spanos. The closest town is Newport, Franklin being 20 miles away, Lebanon 24, miles away and Concord 28.

Adopted Ordered to Finance.

(Senate President David Nixon in the Chair)

SPECIAL ORDER OF BUSINESS 7:01

SB 32

establishing the criminal offense of "impaired driving." Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would establish a new criminal offense, Impaired driving. It would be a lesser

offense then is already on the books, driving while intoxicated. The bill as it was originally filed would define to an extent the impaired driving of blood alcohol content, to .05 up to .10, .10 being the point where a person is guilty of driving while intoxicated. The amendment would amend the bill to increase the minimum for impaired driving to .08, only .08 to .09 would come under the offense of impaired driving. .10 and above would remain driving while intoxicated or DWI. We also recommended that it be amended in the bill to remove the peace bond which was in the original bill. This is in line with the other bill that was recently acted on to remove the peace bond from the DWI statute. The committee did not receive much testimony on this, however the director of State Police, Col. Doyon, did testify in favor of this bill and he recommended that we make it .07. However, other testimony given before the committee that the probable safety point and most logical point which is when a person actually does start to become impaired when he is driving is .08. Their committee therefore recommends that this be set as a minimum amount of blood alcohol.

Sen. Spanos moved that SB 32 be indefinitely postponed.

Sen. SPANOS: As you are aware Mr. President, this body normally gives very little weight to anything that I offer, but on this issue I submit that you can give the evidence considerable significance as I have no particular axe to grind.

First, whether the alcohol content is .08 or .10 makes no differences to me personally as I do not operate a motor vehicle.

Secondly, you know that I am an attorney and I suggest to you that if we pass this bill, it will be a boom for the legal profession because I can envision all kinds of arrests under this new concept of impaired driving. Consequently, I should be in favor of this bill but I am not.

But seriously though, may I inform the Senate that the interim commission to study the operation of motor vehicles which was chaired by the gentleman whose face graced the Manchester Union next to mine today (Senator Jacobson) rejected the impaired driving concept. It is also my understanding that certain law enforcement officials did not favor the bill and I think I know why. They know that if this legislation becomes law it will bring about "plea bargaining" or so called

between the prosecution and the defendant's client. This means that the prosecution instead of shooting for a conviction of DWI, which is .10 content or over, they will agree to a plea of guilty to a lesser offense i.e. impaired driving. I am sure that they do not desire this. May I call your attention to the procedure in this concern. Back some years ago the legislature enacted a statute which created the grossly careless operation of a motor vehicle. This offense was one degree below reckless driving which was quite a serious offense. Mr. President, there were so many reductions of reckless driving to grossly careless driving that the legislature repealed the law and the law enforcement agencies were at the forefront for asking for its repeal.

Mr. President, I oppose this also because I think we are getting into the gray area of a person's drinking capabilities. The very fact that this bill originally called for a .05 content and now is amended to .08 content is indicative of the fact that this area is an inebrious one. Mr. President, several years ago the legislature reduced the content from .15 to .10, we just repealed the peace bond; and the House just passed a measure which makes .10 content conclusive evidence of intoxication, not just prima facie evidence. I am bringing these facts out because these legislative responses are the main reason for my opposition, too many times we enact laws during emotional and hysterical times, in this case the cry of drunken drivers, when reason go by the board and in the meantime we enact laws that would hurt our society rather than aiding it.

This bill is such a bill. I hope you will support this motion to defeat the measure.

Sen. LAMONTAGNE: I am also a member of this committee and Col. Doyon did appear before our committee in favor of this bill.

Sen. BRADLEY: He appeared in favor and recommended that it be amended upward from .05 to .07 and we recommended .08.

Sen. LAMONTAGNE: Did he also recommend to make a change in the peace bond?

Sen. BRADLEY: Yes, I believe he did. The committee did accept that recommendation and it is part of the amendment to eliminate this part from the statute.

Sen. JACOBSON: I rise in support of the motion given by the gentleman whose picture is beside mine in the *Manchester Union Leader*. The operation of motor vehicles was discussed in detail and also any possibility of reducing the percentage and we discussed this as we interviewed the various officials and we became convinced of the notion that we would be just getting into the problem of defining just what was the ability to drive. A consensus of opinion with regards to taking alcoholic beverages it was felt that it should be left at .10 standard for a period of time and then if people were found to be having some incapability of not driving properly, some lower rate should be charged with such specific offenses as reckless driving and to add another category to the present concept as Senator Spanos said, it would delineate and confuse the issue and make for a plea of bargaining and also for confusion on both the public and for our honored brothers in the legal profession.

Motion adopted.

Introduction of Betty Ladd.

SPECIAL ORDER OF BUSINESS FOR 1:02

SCR 6

relative to the serious adverse consequences of federal budgetary changes without sufficient notice and time during the transitional period. Ought to pass. Sen. Poulsen for the Committee.

Sen. Poulsen moved that the rules of the Senate be so far suspended as to allow the introduction of SCR 6 immediately waiving requirements of public hearing and publication in the Calendar.

Sen. POULSEN: Mr. President this resolution was introduced by Sens. Trowbridge and Preston and it was my intention to defer to Sen. Trowbridge to define his resolution.

Sen. TROWBRIDGE: Mr. President, SCR 6 is the resolution that we referred to yesterday when I gave you my report on the trip that was taken by Sen. Preston and myself, the Speaker and members of the House to the White House last week. Just for a slight background to the audience that hasn't heard.

Over the last few months you may have been hearing the fact that the Federal Government is making serious cutbacks and there are reversals in the Federal budget. As of July 1 of this year the State of New Hampshire will have to adopt a new budget to start the next fiscal year. The problem is that the changes in the federal budget may occur any time between July 1 of 1973 and any time thereafter until the Congress and the President get over their war as to who the funds belong and to who spends them. This is a mass intertangling power plays on the part of the Congress and the President and which the states are the only loser. How can we possibly form a budget for the State of New Hampshire and anticipate one hundred million dollars over the next two years of federal funds when you may have only fifty million or twenty-five million coming in. It would absolutely destroy our budget. When we went to Washington we found that we had at least 120 similarly concerned people like myself and Sen. Preston who were there to convey to the White House and to the President that we were not interested in the fight or tug of war on the financial basis, we were more interested in getting due notice of what was going to happen and having a chance to make plans for the funds that may be coming. We found out that the President reads concurrent resolutions like this one which are passed by legislators of various states so we felt the best way to get our message across was indeed to pass a Concurrent Resolution. You now have SCR 6 before you which by and large goes through the dilemma and says "please Mr. President and all authority you are replacing programs please give the states 90 days notice before the effective date of any new programs in order that the states can reassess their budgets to reflect such budgetary changes. Be it further resolved that certified copies of the concurrent resolution will be conveyed to the President the members of the federal cabinet and the N.H. congress and such other officials which the President of the Senate, Speaker of the House, so designate — I don't think I have to read the resolution, I think this is sufficient and it follows through with the recommendations of the legislative conference leaders and I hope you will support the concurrent resolution.

Adopted.

PARLIAMENTARY INQUIRY

Sen. SPANOS: The inquiry I am going to make is the

same inquiry that I made yesterday but today it is going to be law. If I move reconsideration on SB 32, does the reconsideration of the motion kill reconsideration of SB 32 forever. Do I have to move reconsideration or has the motion which was voted on to indefinitely postpone make this a dead issue?

The Chair: The Chair would rule, hopefully consistent with prior rulings, this is a little different than the ruling yesterday. No motion to reconsider SB 32 is necessary to indefinitely postpone SB 32. SB 32 cannot be acted on during the biennium without a 2/3 vote of all elected Senators.

Sen. SPANOS: If someone made a motion for reconsideration on Tuesday next, 1/2 hour after the session opened, what would be the Chair's ruling?

The Chair: The first action of the Chair would be to ask the sponsor of the dead bill to withdraw the notice of reconsideration and the second action would be that reconsideration could not live without a 2/3 vote.

Sen. SPANOS: I will not move for reconsideration then on the basis of the ruling.

Sen. JACOBSON: Mr. President, yesterday the Senate did honor me by adjourning in honor of me on my birthday. This evening I again celebrated my birthday when I found a red carnation here on my desk signed two crowns. First I thought it was Three Crowns. There is locally a little tavern in Stockholm, Sweden called _____ which translated means three crowns. I thought who in the world knows anything about that but I am grateful to the ones who signed it and who bear the crowns. I might also add that tomorrow my family is going to celebrate my birthday again so I will have a three day birthday celebration and it is the most I have ever had.

Sen. NIXON: The record will show that Senator Jacobson is now at age 39 and holding.

Sen. LAMONTAGNE: I would like to introduce as my guest Lorraine Senteusanio.

Sen. BOSSIE: I would like to introduce a lady formerly from Keene and now from Manchester Miss Teresa Wirtz.

Sen. BRADLEY: I am very pleased to introduce to you my mother, Mrs. Alice Bradley of West Swanzy.

Sen. JACOBSON: I would like to introduce the next student body president of Keene State College, who also comes from the great little town of New London, Peter Ramsey.

Sen. BLAISDELL: Mr. President, most of my family is here and it would take a long time to introduce them but I would like to introduce a woman that I am very fond of my mother, Mary Blaisdell.

Sen. PRESTON: I would like to introduce the administrative assistant to Speaker O'Neil, who was very helpful concerning the trip to Washington, Everett Grass.

Pres. NIXON: I would like to introduce some of the wives here, Mrs. Trowbridge, Mrs. O'Neil, Mrs. Blaisdell, and Mrs. Provost, and Mrs. Brown. Also a member of the New Hampshire Bar Jack Zimmerman from Keene, Rep. Andrea Scranton, Rep. Robie Ames, Rep. Dave Whipple and Ex Rep. Sheldon Barker.

Introduction of Charlie Connor, assistant legislative budget officer and Bill Montrone, student intern from UNH for the Senate Finance Committee, by Sen. Trowbridge.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until next Tuesday in Concord at 1:00 p.m. and with our thanks to President Redfern for his grand hospitality, to Bob Mallatt for all of his work on the arrangements, our thanks to those who were responsible for the outstanding buffet which we enjoyed at the Student Union Building and our thanks to all who have made this an outstanding session.

When we adjourn, we adjourn in honor of Sen. Blaisdell's mother, Mary, and Sen. Bradley's mother Alice, both of whom are in the audience and our congratulations to Debbie Neuhauser, Present Student Senate President and Peter Ramsey, newly elected first Student Body President of Keene State College.

Adopted.

LATE SESSION

Third reading and final passage

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to put on third reading and final passage at the present time HB 414, HB 449, SB 18, HB 397, HB 421, HB 43, and that we dispense with the reading of the titles and act on the bills as formerly read by the Chair.

Adopted.

HB 414, to establish a procedure to repeal historic districts in cities and towns.

HB 449, relative to the establishment of reserve funds.

SB 18, requiring reflectorized number plates on motor vehicles.

HB 397, relative to the permitted use of privies.

HB 421, relative to the appraisal of and payment for diseased animals after their condemnation.

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

Adopted.

Sens. Blaisdell and Trowbridge moved the Senate adjourn at 9:40 p.m.

Tuesday, 10Apr73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Almighty God, our Creator, Redeemer and Judge, bless our land with righteousness and truth.

Confirm within us what is right and correct that which is wrong. Protect us from enemies without, and unworthiness within, enable us to trust one another and to fear only Thee.

Help us to be equal to our high calling and reverent in the use of our decisions.

Guide us in this Senate, O Lord, through Thy Spirit, day by day. . . . Amen.

Pledge of Allegiance was led by Sen. Lamontagne.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 122, relative to the date for filing applications for tax year 1973 for exemptions for the elderly. (R. Smith of Dist. 15; Downing of Dist. 22 — Ways and Means.)

Sen. DOWNING: I move that the rules of the Senate be so far suspended as to waive referral to committee and act on SB 122 at this time.

RECESS

OUT OF RECESS

Adopted.

SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to permit SB 122 to be placed on third reading and final passage at this time.

Sen. DOWNING: The urgency here is that the forms for the elderly exemption haven't been prepared. There is concern about what type of legislation might be passed this season. There's a lot of activity in this area and this would merely put off the filing deadline to June 15, rather than April 15, to provide adequate time to act on legislation that's pending now and for the state to prepare the proper forms and to get them out to the communities.

Sen. TROWBRIDGE: In view of the question that we may not be able to get legislation passed June 15, why do you pick June 15, why not July 15, or August 1, some date when you are surely going to have the legislation passed. June 15, would seem to me to be just as much in jeopardy as this date.

Sen. DOWNING: I would say that June 15, by June 15, the bills effecting this area should have passed and they should know what status of things are. I think the question is a valid

one Senator and perhaps it would have been better to make it July 1, or July 15, but it was felt that June 15 did provide adequate time.

Sen. TROWBRIDGE: Would you then maybe consider an amendment on the date if that does suit you and your committee?

Sen. DOWNING: Yes, I have no objection at all.

Sen. JACOBSON: As chairman of the Executive Departments, Municipal and County Governments Committee to which this bill would normally come, I would simply like to say that I support the suspension of the rules even with regards to the committee reference because it is essentially of an emergency nature, and while I feel Sen. Trowbridge has raised a very legitimate question there is a degree of urgency and possibly if problems arise late June 15, it could be changed again because we are still in session under the same kind of emergency conditions.

Adopted.

Third reading and final passage

SB 122, relative to the date for filing applications for tax year 1973 for exemptions for the elderly.

Adopted.

ENROLLED BILLS REPORT

HB 110, relative to maliciously letting loose vessels.

HB 421, relative to the appraisal of and payment for diseased animals after their condemnation.

Sen. Provost
For The Committee

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to permit action on a resolution concerning the Portsmouth Naval Shipyard without referral to committee.

Adopted.

SENATE RESOLUTION

Whereas, the Portsmouth Naval Shipyard is the mainstream of the economical life of the seacoast area and

Whereas the Portsmouth Naval Shipyard has established a most enviable record with work assignments completed ahead

of schedule and with millions of dollars returned to the coffers of the Navy Department and

Whereas, in 1971, President Nixon had taken the Portsmouth Naval Shipyard from the "phasing out" list of the Pentagon and given the shipyard new life and

Whereas, we are now given to understand that military and naval installations in 35 or more states are included in a closure order which is scheduled to be announced later this week and

Whereas, we have reason to believe that the Portsmouth Naval Shipyard is in jeopardy, now

Therefore be it resolved that the State Senate advise the entire New Hampshire Delegation in Washington of our deep concern for the future of this fine installation and, further, that we urge them to do all in their power to keep the Portsmouth Naval Shipyard open to continue its essential work.

Sen. FOLEY: I move the adoption of the resolution.

Adopted.

COMMITTEE REPORTS

SB 95

abolishing the position of assistant bank commissioner. Ought to pass. Sen. McLaughlin for the Committee.

Sen. FERDINANDO moved that SB 95 be recommitted to the committee on Banks, Insurance and Claims.

Sen. FERDINANDO: I would appreciate the opportunity to resubmit the bill to the committee on the basis, I had a request from one of the Senators who has asked me to entertain the thought of bringing back to evaluate the bill once again and I'm sure we can bring it back out by Thursday.

Motion adopted.

HB 250

requiring that no more favorable loan terms be granted by banks to officers thereof than to others. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, HB 250 provides that no bank officers may receive bank loans under more favorable

terms than its most steady customers. Testimony was received by the Committee of a situation where a bank officer received a loan on which there was no interest to be paid back to that bank. This is not in the best interest of the banking industry, now borrowers or depositors in our banks. A bank officer should not have better footing in respect to loans than that of the customers of the highest credit rating. The passage of this bill will enhance and maintain the integrity of banks to treat all borrowers in a fair and equitable manner, accordingly to their financial ability to repay a loan rather than on their position of importance within the bank. This we recommend as passage.

Sen. BRADLEY: Does this bill apply to national banks of the state of New Hampshire?

Sen. BOSSIE: These are just state chartered banks.

Sen. JACOBSON: When you speak of the favorite customer are you speaking of individuals or are you speaking about corporations? Including municipal corporations.

Sen. BOSSIE: I believe that a person in the legal sense of the word would be a corporation as well as an individual. I'm sure that there are some corporations that are good customers but they have to pay higher interest rates and what we refer to in this bill is that the best borrower in the bank can get six and one half percent loans and an officer of that bank can get the same. Right now it doesn't provide that.

Sen. JACOBSON: I believe the records will show that there are certain municipalities which do loan money from trust companies, state chartered banks at the rate of three and one-half to four percent does this bill now mean that they can borrow at three and one half and four percent?

Sen. BOSSIE: I would say no, obviously not. Most of these loans by municipalities would be under a bonding situation anyway, and if I'm not mistaken, these loans would not be a regular loan.

Sen. JACOBSON: Most of these loans that are made at trust companies are made under the statutes with borrowing anticipation of taxes rather than bond issues and therefore they would be short term notes as low as ninety days and sixty days and they resemble commercial loans, commercial corporation loans, and I'm wondering then, does this in fact allow them to have a three and one half to four percent rate?

Sen. BOSSIE: I would say no. I don't believe it would have any application. The intent of the bill would not be to that effect.

Adopted. Ordered to third reading.

Introduction of John Durkin, Commissioner of Insurance to speak on the function of this department.

Sen. DOWNING: I wonder if you could tell us what kind of response you got from the Blue Cross and Blue Shield organization in Massachusetts, relative to your invitation to them to participate in New Hampshire?

COMM. DURKIN: It's an extremely interesting response. I'll be glad to provide you with a copy of the letter. One of the reasons we contacted Massachusetts Blue Cross was because the statements of the Massachusetts Blue Cross president, makes some of mine look mild. They have been very succesful in ending the domination of Blue Cross in Massachusetts by the providers. And realizing by virtue of an Ohio Supreme Court decision, which we have to consider to a certain etxent. Anyway the Ohio Court said that the Commissioner out there should license or delicense the plan and use that as a regulatory tool, and that the process of trying to force them to make changes is fine but if they didn't make the changes they should delicense them. So, that was one of the things we had to consider. We were looking around to see if any other companies were interested in doing business here, and because the Massachusetts Blue Cross has a much better record in ending the domination of the providers, we asked them if they were interested. They wouldn't want to duplicate facilities but they didn't rule out merger, they didn't rule out a regionalization and they we're going to contact them to see what we can do to bring down costs. The statement on the president of the Massachusetts Blue Cross when he said one of the major weaknesses of Blue Cross plans all across the country is the domination by the providers of medical care. And he went on to say how they've eliminated that in Massachusetts.

Sen. TROWBRIDGE: As you know, many of us in the Senate are very interested in No Fault, and I'm getting the impression that the House bill is getting sidetracked deliberately for this party of the Senate to introduce its own No Fault bill?

COMM. DURKIN: I would think so. In fact I have dis-

cussed that one time with Sen. Claveau and I think he was agreeable to sponsor the department — Sen. Lamontagne a departmental version of No Fault. There are many types of No Fault. In some of the bills the only similarity is the title itself, so I would like to recommend that the Senate start hearing the proceedings. I'm afraid — and let's fact it — there are certain forces opposed to making the trial lawyers release facts by No Fault. Where I'm concerned is that it will be lost in the shuffle in the last week or ten days so anything to eliminate that would be advisable.

Sen. LAMONTAGNE: I understand that the office for the Assigned Risk out of New York has been to New Hampshire and are prepared to compromise on the office that I was asking for New Hampshire for the Assigned Risk Program. Is there anything being done now? Is this true that the New York people were over here?

COMM. DURKIN: They were over here Senator, but I haven't seen any great movement on their part towards establishing any facility here. Now maybe they have. But I do know that we sent out under the law, we proposed some substantial changes in the Signed Risk Plan. And they sent out under orders to the companies and if they don't vote them down they go into effect. We received a tremendous response from the companies, as usual voting negative to the Signed Risk Plan. So, my experience with the Signed Risk Plan is that if you don't legislate they don't react. I would be surprised if they did set up a facility here to service New Hampshire problems without legislation.

Sen. LAMONTAGNE: I would appreciate it very much if you could find out whether or not the New York office on the Assigned Risk is prepared to compromise on SB 54. Because if they are not, I'm going to start moving for this type of legislation so that an office and the office itself be assigned in the state of New Hampshire.

COMM. DURKIN: I'd be glad to find out Senator. As you know we supported the bill in hearing.

Sen. LAMONTAGNE: People are getting hurt because they pay their insurance premium, they don't get their license for two or three months later, and therefore lose months be-

cause they haven't got a license to go on the highway and still they pay a premium. It should be straightened out.

Sen. POULSEN: Two questions on Blue Cross. One is on the availability of extended coverage to an individual and the second on the same vein is the cost to an individual as opposed to group.

COMM. DURKIN: We ran the hearing Saturday afternoon about four-thirty and the later part of the afternoon our Actuary, testified that in his opinion the fact that Blue Cross and Blue Shield will not offer group coverage at group rates to anyone who can not attach themselves somehow to a group, in his opinion was discriminatory under the N. H. Laws. Discriminatory in that it was not available to all people because you can't buy major medical unless you belong to a group. And you have to buy a limited version which you pay about one-third more for. The maximum you can get as a non-group, and there is a thirty dollars a day hospital allowance and that will get you to the lobby. It won't pay much beyond that. We intend to have something in our decision on this area because the testimony of Mr. Presley was uncontroverted, that this was discriminatory as availability, and because they don't allow the walk-in visits for the non-group business to be included in the group experience that the lack of availability compounds the problem and it creates a price discrimination as well. We hope that if we can't rectify that problem by decision then we'll be back to ask you people to rectify it.

Sen. FERDINANDO: Are we to believe that the cost of Blue Cross in Massachusetts is that much more attractive to this state to forget about the 700 hundred Blue Cross employees that are working here and to abandon them on the basis of bringing in a Blue Cross Program out of Massachusetts? That this would be in the best interest of the state of New Hampshire? Is this what I am led to understand at this point?

COMM. DURKIN: I'm not sure what you understand Sen. Ferdinando, but let me explain. If Massachusetts Blue Cross did business in New Hampshire, they would do so on the basis of New Hampshire experience. They wouldn't be charging the same rates they charge in Boston, Worcester, and other Massachusetts localities. They would be charging rates based on the loss experience of New Hampshire and the loss experience of

Vermont. As you know, home insurance companies that you write for, write insurance in fifty states and charge a different rate in each state, depending on the loss experience of each state. The reason Blue Cross does not pay the same taxes that other insurance companies pay is because they do not use agents and their acquisition cost is considerably lower. It's very difficult for a commercial insurance company to compete with Blue Cross. If there are any older people in the group it's very difficult for Aetna or someone else to come in and compete on the group because of that differential. You can't have competition, there is no one else that can really compete with a Blue Cross type operation other than another Blue Cross because of their unique status and makeup.

Sen. FERDINANDO: My question is that the experience in New Hampshire will dictate what the rate is going to be, so we are talking about now is abandoning the 700 employees in New Hampshire on the basis of bringing in a duplication program from Massachusetts to provide this coverage. Is this what I understand?

COMM. DURKIN: No, what we are doing is thoroughly exploring any possibility of cutting down cost to the people of New Hampshire.

Sen. FERDINANDO: Right, but if we were to bring in the Blue Cross Program to New Hampshire, we would abandon 70 employees in New Hampshire. Is this not what you are saying? You indicated that you wanted to bring the Blue Cross-Blue Shield Program from Massachusetts into New Hampshire to operate here and to abandon the 700 employees here?

The CHAIR: The Chair is interested in the question and not a running debate.

COMM. DURKIN: Senator I can not agree to your assumption that we would be abandoning 750 people.

Even if Blue Cross in Massachusetts did match this and did come in and find some method of competing here or possibly merging and lowering the unit cost, they'd still have to use some of those 750 employees. And to date in three years of hearings I haven't seen any clear cut justification of 750 employees to write that much insurance. The New Hampshire Insurance Group writes much more insurance with correspondingly fewer people.

Sen. FERDINANDO: I have one more question. You have a Claims Division, and somewhere along the line I received a direct mail brochure over the weekend asking me if I had any claims for Blue Cross-Blue Shield, whether I was happy with the service or unhappy with the service. How many of these brochures were mailed out? Were these mailed out to the entire state?

COMM. DURKIN: I'm glad you reminded me of that because, as I mentioned, the Examination Division, we're responsible for every three years examining the companies doing business here. Take for instance the Hartford Insurance Company owned by ITT. Every three years we can have an examiner at the Hartford Insurance Company. Well, let's face it, ITT could bleed that company dry in one weekend and move the money to Chile if they wanted to. So, it makes very little sense to go into the home offices to weigh the securities and the mortgages, so we've instituted a new claims procedure. We go into the regional office, the Manchester office, and pull out 250, 500, or 1,000 closed claims; send out letters to the people asking how were you treated? How were you handled by the company? And it depends, some companies we send out 250. Allstate we sent out 250 or 500, Home, we send out 500, and Concord General was 1,000.

Sen. FERDINANDO: The one I received over the weekend did you send them out to all of the subscribers?

COMM. DURKIN: It must be extra mail service because I don't think they went out Friday. The state of New Hampshire is sending out 500 and the state of Vermont is going to send out 500.

Sen. FERDINANDO: The reason why I said it is it seems that first of all we don't belong to Blue Cross-Blue Shield. For us to have gotten the questionnaire, I said to myself I can't imagine the cost of the insurance department mailing out a questionnaire asking us if we were happy with the claim, if it were paid, and how promptly it was paid, or how happy we were with the service. First of all we are not even members so I said to myself the Insurance Department must have an awful lot of money to be able to send out questionnaires especially in view of the fact that you've been conducting hearings and you do have this claims division that I'm sure has been doing a very

good job of late. I'm not trying to defend Blue Cross-Blue Shield, I have nothing to do with it, but these are the questions that came to my mind and I thought maybe there is something there I don't understand and maybe you can explain it to me.

The CHAIR: The Chair will state that he still has questions from Sens. Sanborn, Foley and perhaps Sen. Downing and we are running out of time so would you keep the questions brief and the answers brief? I want everyone to get their questions in if we can.

Sen. SANBORN: I was interested in your remarks on Fire Insurance, especially when you got into the field of underwriters. As it stands now Fire Insurance in the small towns depends on the distance that you live from the fire house, and the equipment and so forth that are in the fire house. If there's something that's in there over twenty years old — you don't get any tank trucks considered. Is there any way you people in insurance have a way of putting the finger on these underwriters and bringing them up-to-date on some of this equipment that are in these small town fire houses? This is very expensive to these small towns.

COMM. DURKIN: Yes. Senator we do have some authority, as limited as it may be, as we've been discussing with Sen. Brown for a couple of years now maybe even longer, that's why we conducted a rather intensive mathematical and analytical investigation of the rating system used by the New Hampshire Board of Underwriters, now the Insurance Service Office. Granted it made sense when the fire wagon was horse-drawn to charge more for those drawn two or three miles from town than those drawn two. Within the next week or ten days we are going to call up the New Hampshire Board of Underwriters to extend that mileage, to recognize the change in condition and the change in situation. Also, because they can not justify that on the basis of loss experience, and any classification that it can not be justified on the loss basis of loss experience in my mind is base discriminatory. We want to order them to extend that mileage. And I said, this is something Sen. Brown has been after me for, almost two years. As far as the fire trucks, again, Sen. Brown has sponsored a bill for us, at the request of the Insurance Department, which will give us the authority to set the town ratings, based upon a whole host of reasons, and considerations including the fire trucks and right up to the loss

experience of that town. What happened now is that the engineer drives through, one finger in the air and that's town C. It's not based on loss experience.

Sen. FOLEY: This is just a yes or no, Mr. Durkin. You told Sen. Trowbridge that you felt perhaps it would be a good idea to put a No Fault through here. Do you have a proposed piece of legislation that you approve of? You said that there were all kinds of bills that could come under No Fault. Just Yes, or No. Do you have one?

COMM. DURKIN: Yes.

Sen. JACOBSON: First of all Commissioner I want to congratulate you on the work you've been doing. I think most people in most communities are grateful to you. I have a question regarding Blue Cross and Blue Shield. One of the problems that has come to my attention is a practice that the provider demands payment from the insuree and then forces the insuree to turn in his form. Now a lot of the people as you know are elderly people and have a great deal of difficulty with these forms. Now, the practice as I understand it is and now my position does that, he turns in his fee and then I get the credit and if I have to pay in addition, and even the Blue Shield-Blue Cross forms show this, then I have to pay it but not before he's turned in his claim. It seems to me an unfairness that the provider forces the insuree to do this. Is that legitimate, is my question.

COMM. DURKIN: Well, if the provider is a hospital I think there is some justification for it in that the contract between Blue Cross and the hospital is that, that negotiation is handled directly. But the Blue Cross keeps money in deposits with the hospital and they sort of — there is a savings in cost. The plain handling cost in Blue Cross is percentage-wise lower than Blue Shield because they always do business with the sixty hospitals in the twin state area, and a multitude of smaller claims. So with Blue Cross I can see justification. But with Blue Shield which pays the physician's fee — and I think there is less justification for it. This is again, I don't have an answer. We have been around the mulberry bush again yesterday afternoon. Blue Shield has a system of compensating physicians which varies from town to town. Physicians in New London might not get as much as participating physicians in Nashua or physicians in Berlin might get less than physicians in Nashua, Salem or Plais-

tow or Portsmouth. And then what they reimburse physicians depends on a host of considerations but every time we try to go after this information first we heard that it's a federal record protected under section 1102 of the Social Security Act. In fact, we have two examiners down there now, and Vermont has an examiner down straightening things out, and trying to get a handle on the system that Blue Shield uses to reimburse and pay physicians.

Another problem, especially in the southern part of the state, Nashua area, many physicians are not participating providers. They are not bound to accept whatever the Blue Shield allowance is, for any particular operation. They accept what Blue Shield pays and then they tack on another twenty percent or thirty and then they go after the citizen for the balance. But we are trying to unravel this problem of trying to get a hold of the usual customary fee profiles and the justification of backup for those people. And until we do, I don't think we can offer a solution to your problem, even though I recognize it's a problem.

Sen. DOWNING: Relative to the Blue Cross-Blue Shield Program; we have a Vermont-New Hampshire plan and I'm not sure I have any appreciation of being tied to Vermont. I wonder if it would benefit the consumer anyway even long range if we were to just have a New Hampshire Program exclusively for Blue Cross and Blue Shield and if so how am I to accomplish that?

COMM. DURKIN: Well, Senator I think that the fact that we have a Vermont-New Hampshire plan is an historical accident, just like we have Blue Cross-Blue Shield is an historical accident. There was no reason Blue Cross-Blue Shield could not be one. For years the same rates were charged in Vermont as New Hampshire and the question was never thoroughly discussed or explored as to the underlying conditions. Were the costs the same? We think we finally put that to rest in that the hospital costs in Vermont were higher but the testimony in our time hearing indicates that the frequency of hospitalization in New Hampshire is higher, they just about each other out. What we want to do and what we are doing and what we are pushing the rules to do to the extent under the law that we now have, is to require them to maintain separate loss experience and separate rates for New Hampshire and Vermont. Again New

Hampshire insurance group in Manchester, writes in fifty states. They don't charge the same rates to all as they do in Vermont. The fact that they write in both states, I think reduces their unit cost. I think we should retain that. I don't think we'd save any money by cutting Vermont off and sending them on their way because the unit cost would have to go up. You'd have more people serving fewer people. I think the people of this state, and the Insurance Department of Vermont and the people of Vermont are concerned that the people be charged rates based on the loss experience in that particular state.

Sen. BROWN: I like to pursue the question of Sen. Lamontagne in relation to Unsigned Risk. So-called clause in New York, how many states does that cover?

COMM. DURKIN: The county is broken down. I think the New York office covers sixteen states. Policies are assigned pending on their premium volume in the state of New Hampshire.

Sen. BROWN: Has there been any consideration or thought given to the individual states having their own pool?

COMM. DURKIN: What we are considering now, is setting up a facility in that it would operate here in the state of New Hampshire. Anyone would walk down the street and enter the company or agent of their choice, and that company or agent, recognizing that there's an economic right automobile insurance and many forms of insurance, and if it turned out that that person was a Kama Kazi pilot with a string of convictions, and violations and accidents then the company could re-insure them. There would be a reinsurance facility operating much as a normal reinsurance market operates today. Reinsurance is analogous to the bookies layoff man. When they've got too much on the books or too much in one neighborhood they reinsure or lay it off the line. We are experimenting and doing some study on that now. Hopefully, before too long New Hampshire will have a reinsurance facility rather than the expense and the time consuming problem of assigning all these people. That's the problem, Ken Lewis — he's right under the law, won't give the plates until they have a little green slip and it takes a long time for that little green slip to get there in some cases.

HJR 7

in favor of George T. Ellis of Concord. Ought to pass. Sen. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: House Resolution No. 7 is to reimburse George T. Ellis of Concord in the amount of \$174.00 for damages which he sustained from shingles falling off the roof of the State Military Reservation onto his swimming pool. We cannot find any other sums and from any other source to pay this gentleman, plus the man had no insurance to cover damages in the amount of \$174.00.

Sen. FOLEY: Would this go to finance with \$174.00?

The CHAIR: No.

Adopted. Ordered to third reading.

HB 242

relative to five percent interest on tenant's security deposit. Ought to pass. Sen. Bossie for the Committee.

Sen. S. SMITH: This bill makes it mandatory that when a landlord receives a security deposit upon the apartment home which he has rented solely for purposes of residence, that the landlord should pay a 5% interest on that security deposit. This is the major attempt of the bill.

Sen. TROWBRIDGE: Does this 5% interest pertain to such depositors such as the telephone department?

Sen. BOSSIE: No, this is on the renter.

Sen. TROWBRIDGE: But is there not a similar situation of the telephone department and what has to be placed in order to have telephone, for which I understand there is no interest paid?

Sen. TROWBRIDGE: I'm not sure of this.

Sen. PRESTON: Question of Sen. Smith. If a management company or a real estate agency who places this deposit in escrow account which is not interest bearing, is this applicable to those people?

Sen. SMITH: Yes, I beleive it would be applicable to those people. It could be placed instead of in an escrow account, it could be placed in a savings account.

Sen. PRESTON: By law as I understand it that such management companies or real estate brokers must place this money in escrow in order to co-mingle with other funds and it is now non-interest bearing.

Sen. FERDINANDO: I think if this bill passes, do you think this is going to increase the amount of the rent of the tenants, knowing that the extra cost here is something that can very well be carried on to the tenants.

Sen. SMITH: No, I don't.

Sen. BOSSIE: I speak in favor of this. I'll answer a few of the questions that have come up, Sen. Trowbridge who inquired about the telephone company and deposits. Well, I do believe that the telephone company does pay interest on deposits and I don't know for sure. In regards to the question Sen. Ferdinando asked, it is not necessary for landlords to request of their tenants to put security deposits and therefore it really could have no effect in regards to raising the rents to pay them interest on it. And what most landlords would do in such an instance, is if they were to pay interest on this they in turn would place this in a bank account, an escrow account if they wanted to and thus they would have the interest when it was due and payable to the tenant.

Sen. S. SMITH: We had a bill earlier today I believe, dealing with directors of banks not being able to get a reduced rate. In reply to this question, did that bill concern itself with employees of public utility companies and telephone companies receiving or not being able to receive a reduced rate on those bills?

Sen. BOSSIE: I don't think it has any application to the matter at question.

Adopted. Ordered to third reading.

HB 75

relative to fines for depositing litter in prohibited areas. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: House Bill 75 is a very simple bill. It raises the present \$50 fine for littering on state highways to \$250.

Sen. SANBORN: We have a \$50 fine and just as much rubbish on the highway. Do you think this is going to clear up the highway?

Sen. JACOBSON: That question was raised at the executive meeting of the committee and the feeling was that the problem of litter will continue, but the individual who does get caught, the occasional individual who does get caught, is going to get nailed.

Adopted. Ordered to third reading.

RECESS OUT OF RECESS

HCR 10

commending the President, Richard M. Nixon, for his successful effort in bringing the Vietnam war to an end. Ought to pass. Sen. Poulsen for the Committee.

Sen. Downing moved that HCR 10 be made a Special Order of Business for next Tuesday, April 17, at 1:02 p.m.

Sen. DOWNING: There are senators absent today who did want to participate in this resolution and it has been requested that it be put off for another day and I respectfully request the Senate to support that.

Motion adopted.

ANNOUNCEMENTS

The CHAIR: Sen. Porter is in Washington attending a conference.

COMMUNICATIONS

April 9, 1973

The Honorable David L. Nixon
President of the Senate

Dear Dave:

Please convey my most sincere appreciation to the Senate for the Resolution which was presented to me last Thursday evening in Keene.

It was a total surprise and I hope I can live up to the expectations of the Senate during the next two months.

Sincerely,
James E. O'Neil, Sr.
Speaker of the House

P.S. This really meant a great deal to me — please inform the members of the Senate.

April 6, 1973

Honorable David Nixon
New Hampshire Senate

Dear Dave:

Thank you for sending me the sealed copy of Senate Concurrent Resolution No. 2 memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber. I agree with this resolution and I have made known my support for it to the Ways and Means Committee and to my colleagues here in the House.

It is helpful to those of us who are honored to represent New Hampshire in the Congress of the United States to have such expressions of view from the General Court of New Hampshire. It will certainly be of significant weight in the consideration of this question by the Ways and Means Committee of the House of Representatives.

With best wishes,

Louis C. Wyman
Member of Congress

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until tomorrow at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 250, requiring that no more favorable loan terms be granted by banks to officers thereof than to others.

HJR 7, in favor of George T. Ellis of Concord.

HB 242, relative to five percent interest on tenant's security deposit.

HB 75, relative to fines for depositing litter in prohibited areas.

Adopted.

Notice of Reconsideration on HB 242 was served by Sen. S. Smith.

Sen. Bossie moved the Senate adjourn at 2:50 p.m.

Adopted.

Wednesday, 11Apr73

The Senate met at 1:30 p.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord, God, Almighty, the ancient of days, unto whom thy people, in all ages, have lifted up their hearts in prayer, grant to all of us, in this place, an awareness of the sacredness of our tasks, that we may be witnesses of Thee in serving the people.

Send Thy help among us, O Lord, Bless those who are sick and restore them to health where they with us may continue to dedicate their lives in serving others.

Hear our prayer, which we offer this day, in Thy holy name.
Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mrs. Barbara Rodgers and Roy Y. Lang, Director of Personnel.

MR. LANG: Mr. President and Members of the New Hampshire Senate, thank you for this opportunity to talk with you and discuss matters relating to the Department of Personnel. The first and last time I had the privilege of meeting with the Senate as a whole was back in 1959 when the Commerce Bill was under consideration. At that time I stood near former

Governor Powell on the floor to the right of the podium facing the Senate. Back then the questions were fired fast and furiously, as Sen. Lamontagne will remember. You could see the friction in the air. However, I perhaps felt a little more secure then than today for up here I make a better target.

The Department of Personnel and New Hampshire's Civil Service System was established in 1950, the result of extensive study and part of Governor Adams' governmental reorganization. Prior to that time the selection of employees was based almost entirely upon "who you knew" with little regard to qualifications and ability. I remember the study disclosed at that time, for example, that the state had in its employ a clerk stenographer who was not required to take shorthand, and in fact couldn't if asked. Furthermore, there wasn't even a typewriter in her office. All hiring, even for temporary employees, required the approval of Governor and Council. At that time names could be substituted in case a constituent sought employment. Today, however, our Civil Service System covering some 7069 permanent positions and approximately 3500 temporary and seasonal positions includes rules for all incidents of employment, and as effectively as administratively possible within a governmental jurisdiction, people are hired based upon their qualifications and, in most instances, resulting from job announcements and examinations. Selections are made from the top 5 names on lists prepared by the Personnel Department. These lists in order of priority include names of state employees desirous of promotion or transfer, and those of applicants wishing employment with the state.

I mentioned earlier that we administer rules for all incidents of employment, they including the following: classification, examination, recruitment, selection, appointment, promotion, transfer, discipline, removal and lay-off of employees, as well as attendance, holidays, leaves of absence, and the hearing of appeals from employees or appointing authorities.

The department keeps personnel records on all classified employees including such matters as applications, letters of warning, recommendations for salary changes, etc. We continually, from these records, furnish committees of the General Court and persons having an official interest, information developed from key punch cards concerning types and groups of employees, age and sex distribution, and other studies. In fact

we compute and submit personnel data to each state agency for personnel budget submittal. This includes dollar amounts to be inserted in the budgets such as salaries, longevity payments and increments, along with classification titles and numbers. To the best of our knowledge we are the only personnel department in the country offering this type of service to state departments that saves agency personnel untold amounts of time and effort. The fiscal committees of the General Court have also found this document extremely beneficial to them.

Probably the most misunderstood tasks that the Department of Personnel performs are in the areas of classification and compensation, two separate and distinct programs.

One of our main functions is to maintain a classification plan. It means the grouping of positions sufficiently similar with respect to the character of duties, responsibilities and qualification requirements, so that the same title, tests of fitness and the same schedule of compensation may be applied to each position in that group. To give an illustration, after reviewing all positions having to do with accounting, we determine that there should be four professional levels starting with Accountant I requiring college training through Accountant IV also requiring a college degree in accounting plus a progressive amount and difficulty of experience. We therefore have a classification of Accountant I, II, III and IV that are part of the classification plan. Similarly, we do the same for clerical positions, etc., and they, then all together, make up the classification plan.

Now that we have decided what the various classifications within state service should be, we must allocate each of them into the compensation plan that is established by the General Court. Presently there is statutory authorization for thirty-four salary grades, each grade having five steps that give room for persons to be hired, promoted, and receive annual increases until they reach the maximum. Within these thirty-four grades or salary ranges set by statute, it is our responsibility to assign each classification to a respective grade. Accordingly, as relates to the Accountant series, we have allocated the classification of Accountant I to salary grade 15, Accountant II to grade 17, Accountant III to 20 and Accountant IV to grade 22.

I have not yet mentioned an essential part of the personnel

system, that being the Personnel Commission. The Commission consists of three members appointed by the Governor with the consent of the Executive Council. The term of office is three years. The most significant part the Commission plays is in its quasi-judicial capacity when hearing appeals on such matters as those relating to individual salaries, appeals from employees not gaining promotion, appeals of demotion and those of discharge.

There are two matters of concern that must be resolved in order that governmental services may be improved. The first is the subject of state employees. This session of the General Court must see legislation enacted to update the state's compensation plan so that it will meet competitive, prevailing rates. Also, certain fringe benefits such as overtime and call-in pay must be favorably considered. These improvements are critical and necessary to keep our talented, trained employees, and to ensure that recruitment to vacancies will be attractive.

The second matter is that of adding to the staff of the Personnel Department. State Government is growing each year along with its complexities. Yet while in 1950, when there were 3672 permanent positions and the Department had 12 employees, in 1973 there are 7069 permanent positions with only an increase to 16 departmental employees. For another comparison I cite that in 1950 we received 4212 applications for state employment and 8609 in 1973. These increases have meant that more paper work is processed, more examinations have been given, more classification reviews have had to have been made, etc. As you all know, recently the Arthur D. Little Co. of Cambridge, Massachusetts performed a personnel and management study. Their recommendations included a beefing up of the department by the addition of four professional and three clerical employees. An excerpt of their report reads "It is proposed that the manpower allocation within the Personnel Department be increased to alleviate the dilution of professionals' time and to permit allocation of that time to functions which have had to be handled at either a minimal level or in some cases not at all."

Some people are critical of our operations; some say we do too much, some say we do too little. Some people, such as counties, cities, other states and even foreign countries think we are doing pretty well, for they have asked us for assistance in form-

ulating and improving their personnel system, and have sent representatives to New Hampshire to study our program. We are proud of our accomplishments and were pleased to read another excerpt of the A. D. Little report that I will close with: "The overall organization structure and management of the personnel Department is sound and the Department is operated in a progressive and professional manner. Modern personnel management techniques are practiced within the restraints of present staff shortages. The Department is providing services which have allowed the state personnel system to operate effectively and efficiently."

Thank you very much.

Sen. FERDINANDO: How does a classified employee, once he's classified, is he there forever? I'm wondering just how it works.

MR. LANG: He would remain a classified employee until he had an opportunity to go to be voted for an unclassified job or a job where the position is appointed by the Governor with the consent of the council.

Sen. FERDINANDO: What if you have a classified employee who's not performing what process do you take? What steps are taken if someone wants to remove him. Say the department wants him removed, what is the process?

MR. LANG: Yes. We have a disciplinary procedure for the removal of state employees. It depends on the severity of the actions taken by the employee. If it's tardiness, if it's failure to perform efficiently, then you go up to a series of warnings, you meaning the department head. When he receives the third letter of warning this can amount to discharge. If a person is found to be stealing or found to be insubordinate or some more serious than we have a mandatory discharge, but it's up to the department to determine the seriousness as to whether this person should be given a discharge or another chance to improve. Again, if it's optional, if it's immediate it's taken into the consideration, and if the employee or the department head decides to give the employee another chance then a number of warnings are given.

Sen. TROWBRIDGE: I was hoping that you would say something about the Arthur D. Little Report. I understand

that they came back with a recommendation that there be six steps rather than the present five and only thirty-one classifications rather than the present thirty-four which isn't a very radical change in my mind. However, some have said no, that makes all the difference in the world having the six steps, could you explain whether that does make all the difference in the world or not?

MR. LANG: You are right. At the present time as I have mentioned we have thirty-four salary grades, with five steps in each range. The Arthur D. Little Report recommends we have thirty-one salary grades with six steps in each range. Now by following the A. D. Little recommendations each of the six steps represents a five percent increase over the previous step. Personally the five steps that we have, in each of these thirty-four grades, there is no cost in percentage. Now in reducing the salary grades as recommended in 3431 it means that at the same time certain, and many classifications in respect to salary grades have been graded by several grades, and the reason for that naturally, if a person is in thirty four now, it's got to go to thirty one.

If the job's in thirty-one now it's got to go to twenty-eight. There has been some concern among some employees, about the stigma attached to the fact that their salary raise has been though, below it. But at the same time, even though they are receiving a cut in salary raise they will receive a substantial salary increase. It's the same story, I really don't care what I'm called as long as I get more money, but some people are concerned about what they are called.

Sen. SPANOS: I'm interested in determining how much you fill a job when you advertise things. I understand that examinations are given, there are point systems for handicapped people and veterans. How do you make the final determination on say the top three or the top five? Do you pick the top one? Is there something else involved?

MR. LANG: The way it works is the department head notifies us of an upcoming vacancy or an existing one and it's under competitor recruitment. We have no money in our budget for any item, to be put in the newspapers. But most of the newspapers waive cooperating with us. We issue what we call new releases and they accept them, but not all of them but most do.

So we do get it out to the public. We send announcements to all the VFW Posts, all the American Legions, and all of the Post Offices and so forth. So we think the public, as best we can are aware of the job vacancies. We have announced the time of the examination at a certain place and time. They come and take the examination. The examination is scored with a passing grade being 70, with five points being added to every honorably discharged veteran, 10 points to every honorably discharged veteran who has a disability of 10 percent or more. Now the grades then are lined up in ascending order from the highest to the lowest. And we then certify two of the department heads to fill the vacancy from the top five names, resulting from their numerical scores. Then that department head makes the selection of any one of those top five names. If he determines for some reason that, oh let's say from the State Police, we'll send five names for a trooper training vacancy, and Colonel Doyon after making an extensive review of persons finds that he was convicted of drunken driving. That immediately would disqualify him from being a member of the State Police because it's pretty difficult to prosecute him when you have this record behind you. So we would then furnish the division of State Police with one additional name to offset that so he still has five.

Sen. JOHNSON: You said that and talking about advertising and recruiting for a possible position. What about among the rest of the state employees? Is word spread around them that there might be, if one of them would like to upgrade their staff?

MR. LANG: Yes sir. We have our job announcements that we furnish to all state departments and to those departments who have, so called subsidiary stations throughout the state, like in Welfare and liquor stores, they in turn are responsible to furnish these outstations with the job announcements. So every state employee is given a chance to apply. Now unfortunately, someone may forget to post or whatever but we've done our best.

Sen. SANBORN: When you hire these new employees, do they have a probationary period for a length of time? How does this work?

MR. LANG: We have two types of probations, Senator. The regular probationary period consists of six months on the

job. At the end of the six months he becomes a permanent employee if he is not removed. We have some employees, however, such as social workers, interviewers, trooper trainees and conservation officers, where there is a year probation. And during that year the appointed authorities can remove at any time for no cause but just get them off. And these employees during their probationary period have no recourse of appeal to the Personnel Commission.

(Sen. Spanos in the Chair)

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 123, eliminating the prohibition against insurance transactions through credit card facilities. (Brown of Dist. 19 — To Banks, Insurance and Claims.)

SB 124, changing the classification of certain class V highways to class II highways. (Sanborn of District 17 — To Public Works and Transportation.)

SB 125, making an appropriation for the expansion of the state park system. (Blaisdell of District 10; Preston of District 23 — To Recreation and Development.)

SB 126, providing for the withdrawal of the town of Newmarket from supervisory union no. 14 (Preston of District 23 — To Education.)

SB 127, to eliminate the blood test requirement for barbers and hairdressers. (Gardner of District 4; Downing of District 22 — To Public Health, Welfare and State Institutions.)

SB 128, relative to recess of a jury in deliberation. (Bossie of District 20 — to Judiciary.)

SB 129, relative to the form of ballots for election of delegates to the national conventions. (Bossie of Dist. 20 — To Executive Departments, Municipal and County Governments.)

SJR 9, making an appropriation for additional office space for water resources board and state tax commission. (Smith of District 3 — To Finance.)

SJR 10, making an appropriation for the leasing of Pillsbury St. Building. (Sen. Smith of District 3 — To Finance.)

(Sen. Downing in the Chair)

RECONSIDERATION

Sen. S. SMITH: Havings voted with the majority I would like to move reconsideration of HB 242.

Sen. SPANOS: Would you kindly tell us what some of these minor problems are?

Sen. SMITH: One of the problems is the way which the bill is written. If a person moves out, as I understand it, the first person who the landlord would go to is the insurance company rather than using the deposit which the tenant had previous given. It should be the other way around. The other one which I have thought of, and I'm not sure what the answer to it is, is that relative to the problem of agents and what they may do with deposits under existing laws.

Adopted.

Sen. S. Smith moved that HB 242 be recommitted to the Committee on Judiciary.

Adopted.

COMMITTEE REPORTS

SB 89

providing for vested benefits for teacher members of group I who terminate after competing ten years of creditable service payable in accordance with the applicable service retirement benefits formula and making an appropriation therefor. Ought to pass. Sen. Green for the Committee.

Sen. GREEN: This bill is a teacher retirement bill, though a lot of teachers who are members of group one under the retirement system, to remain within the system and receive benefits on retirement after ten years of service. Presently, it is necessary that teachers serve a minimum of fifteen years to remain part of the retirement program. It must be realized that the amount of benefit is directly related to the number of years the teacher serves under the retirement system. So the real intent of this bill is the reduction from the fifteen to ten years, and the ability of teachers to receive benefits upon reaching the age of sixty. There is another change in the bill. We also allow the

teacher to retire at age 60 and receive maximum retirement allowances as compared to present requirements of age 65. The total anticipated cost for the changes in this part of the retirement program is \$31,797.

Adopted. Referred to Finance.

HB 341

changing the date for distribution of sweepstakes funds. Ought to pass with amendment. Sen. Downing for the Committee.

AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1974.

RECESS

OUT OF RECESS

Sen. GREEN: HB 341 is a bill that will allow the Sweepstakes Commission to change their calendar, their fiscal year what is presently now run through the calendar year. They would like to change it to the fiscal year, to be consistent with the rest of their program. The way it is now the Sweepstakes Commission must close their books by October 15 and make checks available by December 15 to the school districts. If this bill is passed it would allow the Sweepstakes Commission to close their books as of the fiscal year and then make checks available to the school districts, on October the 15. It's really sort of a housekeeping request and this is the essence of the bill.

Sen. LAMONTAGNE: I rise in opposition to the committee report. I opposed this action in the committee. And the main reason why I opposed this in my committee was for the main reason that the December 15, which is the law of today was an amendment that I had proposed and it had been accepted by the General Court back in 1963. The purpose of the December 15, at that time when the Sweepstakes was adopted was because I felt that the cities and towns would get a check before a new fiscal year. Now, changing this date is not going to give them a check before a new fiscal year. And I first

appealed seeing I had a lot to do with the Sweepstakes in the intent of the Grandfather of the Sweepstakes, Larry Pickett, which he and I were very close together when it came to drafting amendments on the Sweepstakes and therefore, we felt, and also another person I wouldn't want to leave behind, and that's Sen. Green, because the three of us put in a lot of time and therefore, we felt that if a check came before a new fiscal year, it would be a lot better for the cities and towns to turn around and use an estimated figure. Now September 15 they are going to have to use an estimated figure. Alright I agree that the amendment says that it would not take effect, the way the bill is, and I assume that the amendment was that it would take effect in 1974, but I still feel that they are going to have to use an estimated figure and I say that's wrong. I say it's wrong because gambling money, certainly is not something that you can really count on, and what has been happening is of the December 15, the law was not enforced and therefore when the Sweepstakes went into law all the city and town fathers were over anxious in spending that money in that they didn't wait for a check and therefore used an estimated figure. And in using an estimated figure their guess was wrong. And it was wrong in this way, that the estimated figure that they had came out with a deficit. Well, now again this September 15 is not going to change. It's not going to give them a check before the new fiscal year. And again they are going to have to do some guesswork. This guesswork has been giving the Sweepstakes a bad reputation, so therefore I am still for the December 15, where the money would be distributed to the cities and towns and therefore in order to do this comply with the law we now have on the books they would have to go without any funds for a whole year. They have violated the law ever since the Sweepstakes has been adopted and I'd like to see that September 15 stay at the same time I'd like to see them comply with the law so that they would have a check before the new fiscal year.

Sen. GREEN: By changing the date of the school districts receiving their money from December 15 to September 15, does that make a difference in any way as to the practice now as to estimating how much the Sweepstakes will make available to the school district?

Sen. LAMONTAGNE: Well, the thing is going to mean that they are going to get, it's going to mean another few months

more added to their amount of figures of estimating of how much money they are going to be receiving.

Sen. GREEN: Are you aware that this mainly, the purpose of this bill is not to cause additional confusion it was mainly to bring the bookkeeping practices of the Sweepstakes Commission in line so that their practice would be consistent throughout?

Sen. LAMONTAGNE: I am very well aware. But still this should not be considered with any other funds of this state, and I'm talking about other revenue that's being raised.

Sen. GREEN: Was there any testimony at the hearing from school districts on this particular matter? Who received the money. Was there any testimony to that effect?

Sen. LAMONTAGNE: Not that I know of.

Sen. FERDINANDO: My understanding is that what we're doing here is we're not taking September 15 and moving the dates up or delaying the payments of the money to these schools. What we are doing here is changing of December 15, we're bringing it close the other way. I would think that the schools would have, if I understand this correctly, would have more time and would have their money that much sooner.

Sen. LAMONTAGNE: If the September 15 and the school district, and naturally the way the law is now written, it goes to the school district, and I thought to be familiar, because I'm the one who put the amendment in as far as referring it back for education but the intent was for the funds of the Sweepstakes to go for the cities and towns and then reduce the amount that has been given to the schools. In other words let's use the cities, and therefore the money goes to the city fathers but they're deducted from the amount of cost, so what it costs for education, in other words subtracted, but this is where there has been a misunderstanding.

Sen. FERDINANDO: If it changes to September 15, what else, this is all built up isn't it?

Sen. LAMONTAGNE: The only thing it does is changes from December 15 to September 15.

Sen. FERDINANDO: Should this not give the cities and towns their money that much sooner?

Sen. LAMONTAGNE: You're not going to give them any

sooner, they are still going to be guessing, and they are not getting a check before the new fiscal year.

Sen. GREEN: I would like to encourage Senators to support the committee report which has already passed with amendment. The amendment does not make this become effect until January 1, 1974, to give school districts an opportunity to become aware of the change in the date. The date does in essence allow the school district to receive their money earlier than usual, it makes no difference in terms of anticipation or trying to estimate how much money is coming into the school district. I have had an opportunity to check with a number of school districts to make sure that there was not a problem around this area and it seems to be no problem in the school districts' point of view. There seems to be no problems in terms of the Sweepstakes Commission's point of view and I see no reason that this particular bill should not be accepted.

Sen. TROWBRIDGE: Is it not true that the school fiscal year begins July 1, in all school districts and runs around to June 30 so the difference between September 15 and December 15 has nothing to do with the school fiscal year?

Sen. GREEN: Correct on one point except that not all school budgets are July 1 until June 30, there are some cities in the state that run calendar year.

Sen. TROWBRIDGE: Could you tell me which?

Sen. GREEN: No, I can not at this time.

Sen. JOHNSON: What is to be achieved by this?

Sen. GREEN: Again, my initial comment. It was mainly a purpose of bringing in line a bookkeeping system which has different dates for closing books and different dates of making funds available and this is not in line with common practice as far as fiscal year funding is concerned.

Sen. JOHNSON: Do you feel that more money will be reflected on the current tax rate by actually receiving the money on September 15 than what would be an estimate of what would be received on December 15?

Sen. GREEN: No, I wouldn't say that was true.

Sen. JACOBSON: As I understood the discussion of Sen.

Lamontagne, he argued that this money is paid directly to the cities and towns rather than to the school districts is this true?

Sen. GREEN: That's true.

Sen. SANBORN: I'd like the Senator to pursue the couple of questions that have been asked so far relative to these school district budgets. Having been on the budget committee and also on the school board it seems to me that you're going in the wrong direction and that this being September, aren't most of these budgets made up prior to the town meetings in most of the places. Say January, and February?

Sen. GREEN: Correct.

Sen. SANBORN: And actually what sum are you waiting on? Have you the money in hand? Isn't that already being spent on the school budget?

Sen. GREEN: Sweepstakes monies are anticipated or estimated. You don't know what they are going to be.

Sen. SANBORN: You mean that the town and or school district should always be estimating this, they never have this firm figure when they are making the budget?

Sen. GREEN: I wouldn't say that they should, but that in practice is what is reality. Yes, that is what happened.

Sen. SANBORN: This is to Sen. Lamontagne. You say you are one of the fathers of the Sweepstakes. Was it their intent that the school district/towns were to estimate this? Or they would actually have the money in hand when they made up the following year's budget?

Sen. LAMONTAGNE: When the Sweepstakes was adopted and the amendment that had been proposed, and I proposed it in this Senate, that the money would be distributed on December the 15 and the purpose was then to have a check before a new fiscal year. Now some towns have their fiscal year on the beginning of January. Some cities have February 1. But if they had a check before the new fiscal year, and this was the intent. We felt it would be a lot better for the Sweepstakes, which is dividing with the cities and towns, and it would be a lot better for budgeting to have a check before the new fiscal year. But the city fathers and the town fathers got hungry, and instead of waiting for their check they use in their budget in

1964, use an estimated figure instead of waiting for a check. Now, the only thing you are doing again here, you are not bringing it back to the intent of the law which has been passed in 1963. What is going to happen now by putting the September 15, again it is going to confuse, the city and town fathers, because they think that this money is going to go right into school budgeting when all the time the money has to go to the city father and town father and then use their figures. Regardless of whether they are going to have their check before, or use the figure they are going to have to estimate. But the thing I oppose, I oppose using an estimated figure especially when it's money coming from gambling.

Sen. SANBORN: In other words they're not supposed to be spending the money until they have got it, and this is just the opposite of what they are doing.

Sen. LAMONTAGNE: That's right.

Sen. BLAISDELL: Does this mean the way you are talking now that my city of Keene would not receive a check this year?

Sen. LAMONTAGNE: This is what I would like to know. But right now the cities and towns are using an estimated figure in their budget because some of them already have, in fact, if you go back to the original bill of HB 341, in its original form, before it was amended in the Senate committee, that some towns have already used up twelve months of estimated figure. And if this bill was passed the way the House did, that actually have disagreed to use the eight and one half months and have used the twelve. This is why the committee has amended to 1964, because then when they make up their budget, whether it's the first of the year or February 1, that they will be using an estimated figure of twelve months instead of eight and one half months as the bill passed the House.

Sen. BLAISDELL: But it would still mean that the city of Berlin or my city would not receive money this year?

Sen. LAMONTAGNE: What I would like to see done, to comply with the law, actually everyone of them having been violating the law, by using an estimated figure, because the law said that the money will be distributed on December 15. But they've missed on the first year, but right now as far as I'm concerned I would like to see them go without the money for a

year and straighten themselves out the way it should have been. But this doesn't call for that.

Sen. GREEN: Granted, the way it has been done since '64 has been that communities have estimated what Sweepstakes funds will be. Does this bill do or change in any way the content of what your argument is?

Sen. LAMONTAGNE: No, it does not change it.

Sen. SMITH: Is it not true that in order to do what you're suggesting done and in order to follow and have this bill not pass, that in essence, communities would not receive a check this year? They would have to wait a year in order to do what you are suggesting?

Sen. LAMONTAGNE: The only thing that I can say, it, yes, that is what I would like to do, but the bill does not call for that. Now the only thing is that if this passed again it's going to confuse the city fathers and the school board members. It's going to be confusing.

Sen. SMITH: If this bill passes, will it in any way change what the present practice is?

Sen. LAMONTAGNE: No, they are still going to be estimating.

Sen. S. SMITH: As I understand it you're problem with this bill that there is estimating revenue. Is that correct?

Sen. LAMONTAGNE: That's right, that's wrong.

Sen. S. SMITH: Don't we in many areas, municipal budgeting, estimate revenues? For instance, in the north country on revenues coming from acreage within the towns? We estimate what federal programs will be coming in. So isn't this a common procedure?

Sen. LAMONTAGNE: Yes, it is very common. Because if you take for instance your registration. When you wrap up your budget you estimate how much you are going to be receiving and for people who will be paying tax on their vehicles. But still they estimated figures that you use on that, is something that you can plan on getting more in the following year. But my argument is that you can not compare gambling money, or gambling funds, with any other type of revenue and this

was the thinking of myself, Sen. Green, and Larry Pickett who was the father of the Sweepstakes.

Sen. S. SMITH: Some of the towns in the north, particularly where there is federal land receives revenue each year based on the profits of the national forest. Depending upon how much tourist and how much timber cutting there is on all of them, they get so much per acre. Is that correct?

Sen. LAMONTAGNE: That's correct.

Sen. BLAISDELL: If this is the case, these figures are estimated into these town budgets, and yet we have no control, and no knowledge from year to year exactly how much cents per acre will be involved. I don't see much difference.

Sen. LAMONTAGNE: There is no difference, with the exception of this, and I'm looking as a great supporter of the Sweepstakes, that whenever you have a deficit, in the Sweepstakes Fund, that you get bad publicity and it hurts the Sweepstakes. And this is the only argument that I can really argue on is because it gives the Sweepstakes a bad reputation. Now, if the federal government, that the city fathers and the towns fathers run into a deficit you don't have the problem of getting bad publicity, because I have never seen it. And I have faced a deficit myself in estimating some figures myself when I was Mayor of the city of Berlin. When I say I, I mean I because I submitted my own budgets to my finance committee. And I have faced some deficits. But it's not like Sweepstakes money because the Sweepstakes money you can see yourself that if the law had been complied with in the beginning that the city father and town father wouldn't have gotten so hungry in trying to spend this money and they may have waited that year for the funds to be built up and for the funds to have been received. Then if they had had a check before a new fiscal year, it would have been a lot easier at the same time they would not have faced a deficit. But that I can say is water over the dam because right now everyone has got so hungry now that they are using an estimated figure instead of a check for the fiscal year.

Sen. JACOBSON: (passed)

Sen. GREEN: Assuming this bill passes, would there be a further payment on December 15?

Sen. GREEN: No, I wouldn't say that was the way the bill is. The way it is that in 1973, checks will arrive at the normal time, which is December the 15. Starting 1974 it would be made starting September 15, instead of December 15.

Sen. JOHNSON: In normal estimating for a year's revenue in the budget, is it not true that for '74 if this bill passes that the cities will only be able to estimate three fourths of the year's revenue? In other words the estimate will go down?

Sen. GREEN: Yes, I would say that there is a difference of eight months there in estimation.

Sen. JOHNSON: Therefore the money that will be raised by taxes will have to be raised?

Sen. GREEN: I don't understand that.

Sen. JOHNSON: Well as the revenue figure goes down the amount of money to be raised by property taxes will have to go up?

Sen. GREEN: Yes, I guess that's correct.

Sen. TROWBRIDGE: Senator if I understand you correctly to say to Sen. Johnson that you would have to just because the payment came in September 15 that you could not estimate your full year? I am sure you can estimate your full year.

Sen. GREEN: I'm sure you could but in answering his question I think that what will normally be done is that they will estimate up until the eight months.

Sen. TROWBRIDGE: If you were running the budget for say Rochester, or Dublin would I not estimate the full amount that I would expect having eleven years of experience and knowledge?

Sen. GREEN: I'd say based on previous figures, and the trends that have happened the year before, I would probably estimate it on the total year.

Sen. JACOBSON: I would just like to speak to the point of financial accounting. I don't know whether the towns and cities acted illegally but the accounting period for most towns in the state of New Hampshire is from January 1 to December 31. And in that accounting period they seek to estimate all

possible revenues that come in in that financial accounting period. Whether it be Sweepstakes or in this instance, this revenue sharing, we just got a check last night, money from rooms and meals tax, money from the special dividends tax, and this is normative procedure. Now if they were to postpone it a year that money coming in December 15 or September 15 then would actually come out in the accounting as a surplus or paid for some other deficit part of the accounting budget. So that then it would be the surplus that was carried over into the estimate of the financial year. So that this is the practice that all towns that I know of follow, and therefore, I do not see the problem except as you understand that they only get eight and one half months this year instead of eleven and one half or twelve months. So that this year there would have to be money made up from the estimate possibly, although you may gain sufficient income in the eight and one half months, to be equal to whatever you set up. So that whatever the estimate is you can make one on eight and one half months estimate and you can make one on a twelve month estimate.

Sen. Lamontagne moved that HB 341 be indefinitely postponed.

Sen. LAMONTAGNE: ' I personally feel that HB 341, if it passes, that I feel that it is going to create some hard feelings between the city fathers and the town fathers and the school boards of this state. Because again the school boards are going to argue that it is their money, and therefore should not go to the city fathers or the town fathers. Right the way it is today, today the money is being sent right to the city fathers and the town fathers. I think it is going to be confusing and seeing that they are not going to go back one year to comply with the law in order to get a check before the new fiscal year, that again they are going to use new estimated figures, then why not leave it alone? The present statutes says that the funds be distributed to the city and town fathers on December 15.

Sen. GREEN: I, of course, rise in opposition to the pending motion. I don't know how much more clearly I can bring the point across, that what Sen. Lamontagne is concerned about does not effect this bill. It has nothing to do with having the city not estimate their Sweepstakes. All it has to do with is changing the time in which a community will get the money. That's all it does. As far as the reasons for it was a bookkeeping

situation. I think a lot more has been made of this bill, and blown out of proportion and the issue of the bill has been lost in the debate. And the real concern of the bill is not to do what Sen. Lamontagne has concern about. It doesn't do anything to accomplish that. I see no reason why this thing should be postponed and why the Senate should not act on it today.

Division vote: 7 Yeas, 12 nays.

Motion lost.

Amendment adopted. Ordered to third reading.

COMMUNICATIONS

The Honorable David L. Nixon
President of the Senate

The Honorable James E. O'Neil
Speaker of the House of Representatives

Dear Friends:

Thank you very much for making available to me the Resolution memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber.

Certainly, I appreciate learning of the views of the General Court of the State of New Hampshire, and I will make this Resolution a part of the Committee's records on this subject.

With kindest regards and best wishes, I am

Sincerely yours,
Wilbur D. Mills

PARLIAMENTARY INQUIRY

Sen. JACOBSON: I'd like to know what the liberty of a Senator is with regards to the questioning of a witness in the committee. Does he have liberty to ask as many questions as he wishes?

The CHAIR: In answer to your parliamentary inquiry, this is no adopted formal or stringent procedures in regards to any procedures. There is no limit of questions that any committee member may ask of any witness who appears before the committee.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until tomorrow evening at 7:00 p.m. in Salem and in honor of the fine work done by the League of Women Voters and with our good wishes to former Senator Molly O'Gara of Dover who is soon to be married.

LATE SESSION

Third reading and final passage

HB 341, changing the date for distribution of sweepstakes funds.

Sen. GREEN: I move reconsideration of SB 341 at this time.

Motion lost.

Sen. Johnson moved the Senate adjourn at 3:00 p.m.

Thursday, 12Apr73

The Senate met at 7:00 p.m. in Salem, New Hampshire.

A quorum was present.

Posting of the Colors by V.F.W. Post 8546, led by Post Commander Sydney Penney.

Prayer was led by Father John Horan, Pastor, St. Joseph's Parish, Salem.

Almighty God, we ask your guidance and direction on the deliberations of this evening. Help all to remember that their thoughts, actions and decisions are for the betterment of our state and its people. May wisdom and common sense be combined with respect and charity. We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Harold Telfer, President of the Salem Veterans Association.

Pres. NIXON: It is now my honor to introduce to you Bert T. Ford, Chairman of the Board of Selectmen of Salem.

MR. BERT FORD: Mr. President, the Honorable State Senators of New Hampshire, Town Officials, ladies and gentlemen. It is a pleasure for me on behalf of the Town of Salem and all its citizens to welcome you to our community. The Senate is celebrating its 190th anniversary and Salem is celebrating its 222nd birthday and this is an historical event because this is the first time that the Senate has ever held a session in the Town of Salem. I can only ask one question, where have you been all these years? I thought perhaps that we forgot to pay our revenues to the state which amounts to between 15 million and 18 million dollars and you were coming here to collect.

At this time I would like to read the following proclamation.

PROCLAMATION
OF THE
BOARD OF SELECTMEN
SALEM, N. H.

Whereas, the Senate of the State of New Hampshire is celebrating its 190th anniversary in this current session, and

Whereas, the Town of Salem, now completing its 222nd year, has never been so honored by the seating of the Senate in Salem during our mutually long history, and

Whereas, the Senate of the State of New Hampshire is meeting in regular session in the Town of Salem this 12th day of April 1973, marking this as an historical event for Salem, and

Whereas, the Senate brings an unusual opportunity to the students and residents of our community by bringing State Government first-hand into their midst, and

Whereas, this meeting of the Senate reflects honor and respect for our own Senator Delbert Downing of the 22nd Senatorial District;

Therefore, be it resolved, the Board of Selectmen, in behalf of all the residents of Salem, hereby welcomes the 95th Senate to our fair community and extends its appreciation to the Senate for making this memorable occasion possible, and further, be it

noted the Board of Selectmen have proclaimed this as "Senate Night" in the Town of Salem.

Given at Salem this 12th day of April 1973 under our hand.

Bert H. Ford
Walter E. Stickney, Jr.
George Khourey
Richard A. Lockhart
Michael G. Carney
Selectmen of the Town of Salem

Attest:

William L. Kelly

At this time I would like to introduce the rest of the Selectmen, Mr. George Khourey, Mr. Walter Stickney, Jr., Richard Lockhart, Michael Carney, and William Kelly, Town Manager.

Pres. NIXON: I want to thank you very much Mr. Ford and I would now like to introduce last year's Senate Doorkeeper, Merton Webber.

Introduction of Staff by Senate President David L. Nixon.

Introduction of Senators by Senate President David L. Nixon.

Introduction of Senators' wives attending, Mrs. McLaughlin, Mrs. Provost, Mrs. Brown, Mrs. Johnson, Mrs. Blaisdell, Mrs. Poulsen, and Mrs. Downing.

Pres. NIXON: I would also like to introduce the Representatives here with us tonight, Reps. Laurence N. Belair, Marilyn R. Campbell, Grace L. DeCesare, Elizabeth E. Goff, Margaret S. Lemay, Vesta M. Roy, James A. Sayer, Richard L. Southwick, John H. Sununu, William J. Stevens, William E. Tuttle and from Windham, Juanita E. Kashulines and Patricia M. Skinner, from Pelham, John Richardson.

It is now my honor to call upon the man who has been going around with us, who has been giving the people of the communities the historical background of the Senate, the author of the Senate Historical Pamphlet, Leon Anderson. Mr. Anderson celebrated his 71st birthday on April 8th.

LEON ANDERSON: This evening's New Hampshire Senate session is a first legislative meeting ever held in Salem.

It is being hosted by Salem citizens led by Senator Delbert F. Downing, who is setting quite a record at the State House in Concord. He is the first Salem man in 94 years to be reelected to the upper branch of the General Court. And he is the first Democrat to serve as chairman of the powerful Senate Ways and Means Committee in more than a century.

This is the tenth in a unique series of weekly meetings being held by the Senate through the state to celebrate New Hampshire's 350th anniversary of its 1623 settlement in the Portsmouth area, as of next Monday. These "Home-Town" visits are also designed to bring legislative life closer to the people, for better understanding of this vital democratic process.

Salem has had only seven other Senators besides Downing in the 190-year history of this body.

First was Silas Betton, who served three one-year terms starting in 1800, and then two terms in the national Congress.

John Woodbury became a Senator in 1836 for two one-year terms, followed by Matthew H. Taylor in 1871, also for two one-year terms.

John W. Wheeler, who perhaps rates as Salem's champion legislator of all time, served in 1878 and 1879 for two one-year Senate terms, after which the Legislature and the entire state government went onto a biennial basis. He was then a 55-year-old merchant and had already served four terms in the House of Representatives. He followed this with an 1881 term on the Governor's Council, a fifth House term in 1901 and then, at the age of 78, yet another House term in 1905.

Benjamin R. Wheeler followed John W. Wheeler as a Senator in the 1883 biennial session, after two House terms. Benjamin was then a 42-year-old shoe manufacturer and wounded Civil War veteran. Legislative records do not show whether these Wheelers were related but they probably were father and son.

Only two Salem men have served as Senator besides Downing in this 20th Century and both were single-terms. They were Wallace W. Cole in 1905 and William Barron in 1943. Cole was a farmer and lumberman who was a bit like present Senator Downing in that he bragged about having eight children — five girls and three boys. But Downing has more balance to his mari-

tal achievement — because he has four boys and four girls, from four to 18 in age. Barron at 81, with 29 years of selectman service to his credit, along with thirty years as comptroller of Rockingham race track, is Salem's only living ex-Senator.

Senate President David Nixon has sparked a pamphlet history of the Senate for distribution at these "Home-Town" meetings. Each Senator also makes copies available for schools, etc., upon request. The pamphlet tells how the Senate was created in 1783 and lists its growth through 19 decades.

As the Senate salutes 222-year-old Salem this evening, it is interesting to observe that this border haven for tax-ridden Massachusetts citizens, now boasts a larger population than seven of New Hampshire's 14 cities. Its 1970 census tally of 20,142 exceeds Rochester, Berlin, Laconia, Claremont, Lebanon, Somersworth and Franklin.

This population boom is an amazing 320 per cent boost over the 1950 census of 4,805 souls. As a result, Salem now has an impressive delegation of 11 men and women in the House of Representatives, compared with three 20 years ago.

Salem also boasts another distinction. Never before has any New Hampshire city or town simultaneously had the chairmanship of the House Ways and Means Committee, with its Senate opposite. For Rep. James A. Sayer of Salem is chairman of this influential House unit, as counterpart to Senator Downing in the Senate.

Finally, it seems fitting that Salem is sharing its friendliness with so many Bay Staters in recent years. For Salem was created on May 11, 1750, from chunks of Haverhill, Methuen and Dracut, out of Massachusetts!

HOUSE MESSAGES

HOUSE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated or under the influence of drugs.

HOUSE CONCURRENCE ON SENATE BILL
WITH SENATE AMENDMENT

SB 122, relative to the date for filing applications for tax year 1973 for exemptions for the elderly.

HOUSE CONCURRENCE ON HOUSE BILL
WITH SENATE AMENDMENT

HB 397, relative to the permitted use of privies.

HOUSE NON-CONCURRENCE

SB 57, lowering the age of majority to eighteen.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 633, relative to the maximum amounts of group life insurance for employees. Banks, Insurance and Claims.

HB 622, relative to statement of expenditures requested by the budget committee. Executive Departments.

HB 686, relative to the lien for uncollected property taxes upon any house trailer or mobile home. Ways and Means.

HB 179, providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and providing special provisions for registers of deeds of Coos and Carroll counties. Executive Departments.

HJR 23, making a deficiency appropriation for fiscal 1972 and an additional appropriation for fiscal 1973 for the New Hampshire Retirement System. Finance.

ENROLLED BILLS REPORT

SB 122, relative to the date for filing applications for tax year 1973 for exemptions for the elderly.

HB 414, to establish a procedure to repeal historic districts in cities and towns.

HB 449, relative to the establishment of reserve funds.

Sen Provost
For the Committee

(Senator Downing in the Chair)

COMMITTEE REPORTS

Sen. BROWN: I move that the rules of the senate be so far suspended as to allow a committee report on HB 292 at this time.

The reason for this Mr. President is that HB 292 was originally scheduled to be on the Calendar and to be introduced today and it was inadvertently printed for next Tuesday and this is the reason why I am introducing it tonight.

Mr. President, HB 292 requires scuba or underwater divers to display a divers flag at least 3 feet above a float. Penalties providing for divers violation and/or motor boat operators operating too close to diving areas. This bill was amended in the House to limit it to scuba diving only, and it eliminated underwater activities. It was further amended to deleting the section on motorboats as it was completely stricken from the original bill.

Sen. BRADLEY: Did I understand you to say that part of the bill dealing with underwater activities has been amended out of the bill?

Sen. BROWN: In the original bill it said underwater activities but not limited to scuba diving, so they reworded it in the amendment and signified scuba diving, excluding the words underwater activities.

Sen. BRADLEY: It only applies to scuba diving?

Sen. BROWN: Yes.

Sen. BOSSIE: It is very interesting that this applies only to inland waters, don't scuba divers dive along the 12 mile seacoast?

Sen. BROWN: The bill does state inland waters only and there was nothing in the committee in relation to testimony bringing in salt water on the shoreline. There was nothing at all mentioned about that.

Sen. FOLEY: Mr. President, I would just like to say that we have 18 beautiful miles of seacoast and not twelve.

Sen. FERDINANDO: What happens if a diver doesn't have a boat to put up his flag, is he fined \$25.00 for going underwater?

Sen. BROWN: He would just have to find some way, in the amendment it has the word boat.

Sen. FERDINANDO: What would happen if he were just diving off the shoreline and swam out in the water and wanted to go under? You don't carry your flag and that means you are fined \$25.00.

Sen. BROWN: Senator, I would imagine if he dives off the shore, he would put the flag on the shore.

Sen. BOSSIE: Before the committee was there any demonstrated need for such a bill? It seems to me that there are enough bills on the books already.

Sen. BROWN: It is just needed for the safety of the diver.

Adopted.

HB 292

providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

Adopted. Ordered to third reading.

SB 105

relative to interest and service charges on overdue accounts. Inexpedient to legislate. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, this bill limits the amount of interest which may be charged on a charge account. Barring any contractual agreement on a revolving or installment charge account, no interest may be charged unless the account is 60 days in arrears. When interest is charged, it may not exceed the monthly rate of $\frac{3}{4}$ ths of 1% of the unpaid account. I move the committee account inexpedient to legislate.

Adopted.

HJR 22

in favor of the North Conway fire department for rescue operations. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this joint resolution appropriates \$1,023.00 for full settlement for the North Conway Fire Department for three rescues that were made back in 1969 on the Cathedral Ledge, Echo Lake State Park. The Town of Conway has a specially trained rescue team of climbers that were

used in the three rescues. This bill is for the expenditures of the Town and the way it was worked out, the rescue is essentially part of Fish and Game to rescue hunters and fishermen. In a sense, they have been doing it and paying for it but at that particular time they didn't have any way of paying it and the Department of Parks, on whose land it was, couldn't pay any at that time. The Town of Conway has been owed this money since 1969 and it was recommended ought to pass.

Adopted. Ordered to Finance.

SB 82

providing for the standard allowance payable to a teacher member of group I under the N. H. Retirement System to be a modified cash refund and making an appropriation therefor. Ought to Pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill is one of many which was referred to the committee on Education, dealing with teacher retirement. It is my understanding that there are a number of other bills that are dealing with retirement systems, policemen, firemen, state employees, etc., and I think these bills, as a rule will all end up in the Senate Finance committee. This bill is one which has merit and which allows teachers in Group I to receive the same benefits in their first option as is permitted policemen, and firemen in their retirement systems. I urge the Senate to act favorably on it.

Sen. TROWBRIDGE: Mr. President, I would just like to point out to the Senate that these retirement bills which there is an appropriation for \$133,800.00 for both years of the bien-nium, that we shouldn't pass them lightly, in that only sort of sending the work down to the Senate Finance committee and they sit there and we try to do our best. I would like very much for the members of the Senate to make sure that on a policy basis, they agree that the teachers in the retirement system should have this right to have the new optional arrangement by which they can get their cash retirement money out sooner than they normally would. Frankly, it is a little bit unfair to Senate Finance to scoop these bills down with no discussion and let us have to wrestle with it. I would like to point out to you that these are the kinds of bills that add up and there are a lot of them. I would just like to point out to you at this time, that I would hope that you would not just say that "commit it to the

Finance Committee and let them wrestle with it." It is a very complex bill. I might just read the explanation of the bill so that those in the audience can see, here's the explanation: "by amending the section that deals with the optional allowances, the bill makes unavailable to members of group 1, optional, which substantially is the same as will be awarded now to group members not electing any of the options." If you can understand that, you're way ahead of me.

Sen. SPANOS: Mr. President, I would like to have this bill sent to the Finance committee so that they can wrestle with it.

Sen. JACOBSON: Senator, isn't it true that there are several of these bills as you indicated and the complexities of these bills are relatively difficult to decide unless we get them all together and have your tremendous expertise applied to them?

Sen. TROWBRIDGE: Flattery will get you nowhere. No, I was just making a mild wail to my fellow colleagues and I understand that there will be a lot of these bills coming and I expect them but it is not going to be easy to unravel all of these.

Adopted. Referred to Finance.

SB 27

relative to straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries. Ought to Pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, SB 27 is sponsored by Sens. Nixon, Green, and Lamontagne. It would eliminate straight ticket voting by marking a ballot in the circle at the top of the party column so that the voter would have to mark an X beside his choice for each office. Candidates would still be listed in a party column with an approved emblem at the top, but the circle would be eliminated completely. This leaves the ballot otherwise the same but the voter must go down the ballot and put an X next to the name of each candidate he so selects. It was presented in testimony that the changing times voters used to go strictly by party identification with little regard to capabilities and qualifications of individual candidates. This would presumably correct that. Nineteen states have abolished this circle at the top of the ballot. Congressman Wyman and Cleveland strongly endorse this bill. We suggest the support of this bill to do away with the big X which has encouraged blind adherence

to the party without regards to the qualifications of the individual candidate.

Sen. FERDINANDO: What you are actually doing here is making it more difficult to vote, are you not? Expressly if somebody happens to be in the position where they are too tired to go all the way down and list each one individually, it seems that passing this would make it easier to encourage them, make it easier for them not to go up and vote at the polls.

Sen. PRESTON: I think Senator that we are making people more selective on whom they are voting for because they have to place an X before each name.

Sen. Poulsen moved that words indefinitely postponed be substituted for the words ought to pass.

Sen. POULSEN: Mr. President, this bill gives me nothing that I don't already have. But it does take something away from me. I can vote a straight ticket if I want by simply putting an X or if I want to do it name by name I can go down the list and do it name by name. This bill indicates that not only me but all the other voters are too stupid to do that, that we have to have it spelled out for us and we have to take it one by one. Sure it has been endorsed by our Congressmen, but I think that they are well entrenched and I don't think that they are worried. I think that a lot of people have to have the backing of their own political party to help them and anything that detracts from the two party system weakens what we have in our country's system of government. I think it is the basis of it and if you chip away at it it will weaken our whole structure.

Sen. SPANOS: Sen. Poulsen, you said that Congressman Cleveland and Wyman are both entrenched and have nothing to worry about, back in 1964, I believe it was, a fellow by the name of Lyndon Johnson, who ran for president and landslided New Hampshire. He carried with him Oliver Huot, who defeated Congressman Wyman because of the straight ticket. Was that entrenchment or do you think he is worried?

Sen. POULSEN: That is a long question, the only way I can answer it is I don't think they have anything to fear at the moment.

Sen. PRESTON: Sen. Poulsen, in your opinion do you think that there have been any instances where perhaps less

qualified candidates have been elected because of straight party voting?

Sen. POULSEN: Undoubtedly, there is always that possibility.

Sen. PRESTON: Do you condone this type of voting?

Sen. POULSEN: I think it would be no better and possibly worse.

Sen. NIXON: Mr. President, as indicated by Sen. Preston, I am a sponsor of this bill along with Sen. Lamontagne, a Democrat and Sen. Green, a fellow Republican. We have all due respect to the able argument presented by Sen. Poulsen, I would like to make a couple of points on behalf of this bill in hope that they may have some weight in this argument.

In the first place this bill has not as its purpose in any way or in any degree of weakening our two party system. I am a great believer and have a great deal of faith in the validity and viability of the strong two party electoral system, the means by which the best candidates hopefully have a full time structure within which to develop their ideas, arrange to go to meetings, and present those ideas, be cross-examined in respect to them and in fact to allow each party to put their best foot forward. If I thought for one moment to any degree that SB 27 would weaken that situation, I would be against it instead of for it as I am.

What this bill does is not prohibit straight ticket voting, it encourages intelligent, perceptive, analytical straight ticket voting in the sense that as opposed to just making one mark in a circle surrounded by an emblem, whether it be a star or an eagle, neither of which has any particular identification the rest of the year to either party, and a voter would be encouraged to go down the list and read the names of the people who he was voting for and/or against and maybe search his memory as to what they may have said during the course of the heated campaign or what conduct they may have engaged in as candidates when they were soliciting for votes or when they were in office.

To that extent if you were not informed the first time he was on the list, the next time he might be better informed when the next election comes around and the net result would be hopefully encouragement that more people would be more in-

formed about the programs, abilities, character, and the legislative record of the people they were voting on in the elections so it encourages them to be intelligent, straight thinking voters.

One of the discouraging things about our present system is that it permits people to vote by one vote and according to the American Political Science Review, the two most motivating mind-working mechanisms involved in the single voting, 1) indifference or apathy, that is we don't even care who it is and we vote for whichever emblem appears to us, and 2) a blind adherence to a structure without regard to the merits of a particular candidate that party may have produced for that particular election. Neither of these motivate and seems to me as being healthy to our electoral process. So the purpose is to strengthen the two party system, as 26 states have already done, by abolishing the single vote type thing.

Congressman Cleveland and Congressman Wyman do support this particular bill for the very valid reasons based on their own experience in 1964. Congressman Wyman was defeated and Congressman Cleveland nearly defeated by the Johnson landslide, so called. Congressman Cleveland just did some research on the subject and found that between the years 1964 and 1968, when the total vote in the election was only 130,000 on the average, there was a swing on straight tickets along of about 30,000 votes, just on the straight ticket ballots from one direction to the other, because he went in in 1968 on the Nixon landslide.

So both Democrats and Republicans are hurting under the present system, both the Democrats and Republicans would be benefited and the electoral process and the people would mostly benefit by the adoption of this bill.

One argument in advance of this type is that it will make the ballot now to come in a sense, it will cure one vote counting. I have been the town moderator in the Town of New Boston for 10 years and I know that when it comes to midnight, one o'clock, 2 o'clock in the morning we are awfully glad that we can set the straight ones aside, one vote straights and just say there are 50 there and so forth. That doesn't seem to be to be a crucial reason for making a detrimental effect on our electoral process. I am willing and I think most people are willing to do the extra work of counting on an individual candidate basis. So I offer this bill together with the co-sponsors being supported by Congressman

Cleveland and Congressman Wyman, the Concord Monitor, Manchester Union Leader, and the Portsmouth Herald, if you will, a strange combination if you will, as one small step in the direction of making our electoral process more meaningful to our young people who are interested in government.

I hope that this Senate will consider this that way and they will vote favorably on it. Thank you.

Sen. SPANOS: Mr. President, I rise in opposition to the pending motion to indefinitely postpone. I do rise in the full support of SB 27. I do so without having any reservations, having favored the elimination of straight ticket voting for over 20 years, way back when I was President of the Young Democrats Society. Straight ticket voting is a process which should die in New Hampshire once and for all. Dave has indicated to you some of the reasons for the demise of straight ticket voting and I don't want to be repetitious but it makes for a lazy public response, it is the easy way to exercise what I believe a God given privilege of the right to choose your own leaders. It avoids a man to man political confrontation of the issues and in my opinion that is the only way to run for office and the only way that people should cast their votes. When I run for the State Senate I want to be able to run right across the man from the other side on the issues and on our personalities and not have to worry what the national issues are or the state issues are.

Straight ticket voting is an insult to the people of this state, especially the young who are becoming more and more sophisticated and more knowledgeable on the issues and we ask our young to be intelligent and responsible and we ask them to come into the cow barn and get branded one way or the other. I think that is wrong. Finally, there is no longer a political reason to perpetuate the straight ticket voting. The Lyndon Johnson landslide indicated that a minority party can do very well in a given election and did do well in that election. Also the differences in registration between the Republicans and Democrats are becoming minimized with every passing day and there is no party having any particular advantage. For these reasons, Mr. President, I ask that we catapult our democratic system out of the neanderthal age and into the space age and make it more responsible and more responsive in voting and elections.

Sen. JACOBSON: Sen. Spanos, you cited in your reasons

for eliminating straight ticket voting that it was to give you the opportunity to face it man to man. Do you imply by that that you are to favor the old system if you were faced by a woman?

Sen. SPANOS: No, I didn't imply that. I made this mistake because I am just getting around to realize that there are women in our political society.

Sen. SANBORN: Senator, several times so far in this debate I have heard mention of the great Johnson landslide sometime past where Representative Wyman lost his seat for a period. If this is so true of landslide how come McIntyre got reelected this last time during the Nixon landslide?

Sen. SPANOS: That was a very good question you asked me Senator, but I do not really think that that is the issue here. The issue is that there are times when a man can prevail in a given election when there may be a landslide. I happened to have prevailed with the Nixon landslide, but that is not the point, the point is that at a given time people can be defeated at certain times and people cannot be defeated at certain times. That is what happens with straight ticket voting, and I am not trying to go into the whys on why McIntyre was selected because you will think that I am partisan because I think that Tom was the best man.

Sen. SANBORN: Doesn't it seem strange that one landslide would elect a fellow Democrat yet another landslide could elect a fellow Republican. Isn't there something wrong here?

Sen. SPANOS: No, I don't think that there is anything wrong, it is the straight ticket voting. You have the situation of the over-all picture of straight ticket voting where most people are carried under the straight ticket voting than the people who can survive it.

Sen. SANBORN: Wasn't there straight ticket voting in both of those elections?

Sen. SPANOS: Yes there was but I am asking you the number of people who did or did not survive and that is the issue. More people did not survive.

Sen. SANBORN: Doesn't this prove that in the last election people are no longer fooled by the circle at the top of the ballot, that people are more careful in voting?

Sen. SPANOS: What I am trying to say is this. In a landslide, you can't have a survivor but nine out of ten times the straight ticket carries the rest of the ticket with them and that is what is bad.

Sen. S. SMITH: I rise in opposition to the pending motion to indefinitely postpone and in favor of the bill. Two years ago this bill came before the Senate and it was passed and I was one of the leaders of opposition to the bill. In fact I picked up a name among several nicknames that I have of Straight Ticket Smith. I think however that in the reflection of this bill, that this bill has much merit and that this law should be on the books of the state of New Hampshire. It makes little difference to me personally because I was elected on both the Republican and Democratic ticket. But I think that what this bill does both from every angle, is gives the individual, makes the individual make the choice and make a purposeful choice in the election of people who represent the elected. Not only in higher offices such as Congressman or U.S. Senator, most people are familiar with their candidates. I think however on the offices, particularly local, such as Rep. to the General Court and State Senators, that it is more important for the people within their districts to make a deciding choice and not a slap-dash choice at the top of the ballot. We have voting fatigue in our voting process and what I mean by voting fatigue is that the people run down the ballot and you notice candidates that are further down the ballot will receive less votes. I think in this instance with the individual making the choice, he knows the candidate and he will vote for them and be less apt to make a bad decision.

Sen. LAMONTAGNE: Mr. President, I rise in opposition to the pending motion to indefinitely postpone. I feel that the committee report should be ought to pass. The main reason, I also am a sponsor of the bill along with Senator Nixon and Senator Green and I personally feel that people of today are more educated in politics than they were 20 years ago. Today we have television, where the people can really see their candidate and really know who their candidates are but 20 years ago it was completely different. Now, at the same time by taking the circle out, it means that voters will vote on the individual person running from one party and can go to another. I don't see where it is going to destroy the two party system. I personally feel that voting and voting for the people as you go along on your ballot

that you are going to have a better choice of candidates in your government because it has been for many years, I am sure you are all aware who are in the voting age, that you had some people that have been elected and you didn't want to see them represent you. The circles are what really have put these people in either party and therefore I feel that I am not interested in what happened in the past, I look forward toward the future and I think that things will be better for our people to have better representation and have the representation of your choice. This is a better way of doing it and I am hoping that this motion will be defeated and that we adopt the committee report.

Sen. S. SMITH: Why the people are making a positive choice on all levels of the ticket and making a conscious decision and whereby electing candidates purposefully, don't you think in fact that this will strengthen each political party by the election of the stronger candidate?

Sen. LAMONTAGNE: Yes, because there will be a better choice of representation for the people.

Sen. FOLEY: Mr. President, I rise in support of the bill and ask that the motion to indefinitely postpone be defeated. The minority party wishes to be on record to be unanimously in favor of this measure. In talking with numerous people concerning this bill, it is interesting to note that there are some Republicans that feel it will help their party and candidates and there are some who feel that it will hurt their party and candidates. There are some Democrats who feel that it will help their party and candidates and some who feel that it will hurt their party and candidates if this bill is passed, but one thing is certain, voters will have to take the time to actually vote for the candidate for each office. We are becoming more candidate conscious and the voters are asking more questions and voters are looking for more answers and they are selecting candidates with care and I believe that once a year or in two years or once in four years, it does not hurt to take a little time to go and vote for each candidate. I think that people have the right now and are becoming more conscious of their candidates, actually in Portsmouth in the last election, President Nixon topped the ballot as far as presidents were concerned and the people moved over to Senator McIntyre, and then moved back to Mr. Wyman and then moved way over to McLane and then back over to

Whalen and finally back over to me for State Senator. So people right now are actually asking questions and selecting their candidates. I feel this will further aid our democratic process and the minority party would like to go on record as being in favor of this measure.

Sen. POULSEN: Is there anything in this bill whatsoever that makes a voter go down the list and vote for everyone or can he in fact vote for the first two primary subjects and forget the rest, the Register of Deeds, the Registrar of Probate, and they can be forgotten under this bill?

Sen. FOLEY: Oh yes they can be forgotten and unconsciously they can be forgotten under the straight ticket because some people just don't care, they just want to vote for the top person and put an X and they are not voting carefully either.

Motion Lost.

Adopted. Ordered to third reading.

Sen. Bossie wishes to be recorded as voting in favor of the bill.

SUSPENSION OF RULES

Sen. NIXON: I move that the rules of the Senate be so far suspended as to allow SB 27 to be passed on third reading and final passage at this time.

Adopted.

Third reading and final passage

SB 27, relative to straight ticket voting in all biennial elections, all other elections of national or state officers and primaries.

Adopted.

Sen. SPANOS: I move Reconsideration of SB 27.

Motion Lost.

COMMITTEE REPORTS (Continued)

SB 99

relative to the library development program. Ought to pass.
Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, SB 99 establishes a formal structure for what now is taking place in an informal way wherever possible with respect to interlibrary co-operation. As a technical development, SB 99 provides for the possibility of a cooperative district library system involving both public and private libraries. In order that such districts may be realized, this legislation provides authorization for cities and towns to appropriate money for their library districts. The committee urges the Senate to support SB 99.

Adopted. Ordered to third reading.

HB 434

relative to referendum voting by absentee ballot in biennial elections. Ought to Pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, HB 434 provides for referendum voting by absentee ballot in biennial elections. Presently voting by absentee ballot there are questions being presented that the absentee voter does not receive with the absentee ballot. This bill provides the voter the right to have any questions as presented to be forwarded to them by the Town Clerk.

Sen. TROWBRIDGE: Just for the record, I take it that this would be for such things as zoning articles and other questions, the special referendum type things that are not allowed on absentee ballot?

Sen. PRESTON: Yes, that is correct.

Sen. NIXON: Does it also mean that proposed constitutional amendments would be allowed to absentee voters now?

Sen. PRESTON: Yes, that is correct.

Adopted. Ordered to third reading.

SJR 7

providing a supplemental appropriation for the New Hampshire Historical Commission. Ought to Pass. Sen. R. Smith for the Committee.

Sen. R. SMITH: Mr. President, SJR 7 provides the sum of \$2,500.00 for the New Hampshire Historical Commission to edit and reprint their booklet on the New Hampshire historical

markers. The booklets are in very short supply and it is necessary to print them for the coming tourist season.

Adopted. Ordered to third reading.

HB 368

authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Ought to pass Sen. Green for the Committee.

Sen. GREEN: Mr. President, this act authorizes the Governor to enter into a private agreement with the Dartmouth Medical School to provide for up to five places in each class of the medical schools for qualified New Hampshire residents. Many of you may know we have that type of arrangement in the past with the University of Vermont, but due to the inability of the University of Vermont and the State of New Hampshire to negotiate a new contract we were left without the possibility of New Hampshire residents getting medical assistance and a medical degree here in the State of New Hampshire. The amount of \$40,000.00 is appropriated for each of the fiscal years, 1974 and 1975. If any student receives assistance under this act and does not practice medicine in the State of New Hampshire, he must repay the difference between the University of New Hampshire's present tuition and the like Dartmouth fee. The student receiving assistance under this act and who practices medicine after graduation in the state of New Hampshire will have half of the amount owed each year for giving, in essence, the state of New Hampshire shall actually sponsor many medical schools so to speak in the state.

Sen. LAMONTAGNE: Does this mean now that New Hampshire will not have any more contracts with the state of Vermont?

Sen. GREEN: We did have one at one time but will not have one any longer.

Sen. LAMONTAGNE: Do you mean this fiscal year?

Sen. GREEN: For the New Hampshire students that we have at the present time, those contracts will be honored until they graduate and there will be no more places available for New Hampshire students to go in.

Sen. LAMONTAGNE: You answered my question, thank you.

Sen. BROWN: Will we be given the same number of seats? Does this give us the same number of seats in Dartmouth that we had at the University of Vermont?

Sen. GREEN: It allows for five places each year. We are guaranteed the same amount that we had with Vermont.

Sen. BROWN: Is it the same number of seats?

Sen. GREEN: Yes, it is the same number of seats.

Sen. BRADLEY: I would assume from reading this bill that the five particular students who are selected, will be selected by the Dartmouth Medical School and the state of New Hampshire has nothing to say about the particular students who are selected.

Sen. GREEN: That is correct. All it is doing is guaranteeing five places if the five selected meet the requirements of the Dartmouth Medical School.

Sen. JACOBSON: In the event that there are not five that are acceptable to the Dartmouth Medical School, do we have to pay the obligation on those five places?

Sen. GREEN: The answer to that question is no, it only guarantees for five places and it only means if these students are available.

Adopted. Ordered to third reading.

SJR 5

providing a supplemental appropriation for the Cancer Commission. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this is a supplemental appropriation for the Cancer Commission in the amount of \$40,000 to meet the obligations presently incurred and anticipated between now and the first of July. The Cancer Commission presently feels that there are approximately 220 people a year who are financially unable to meet the rising cost of treatment and the cure of cancer. I would hope that the Senate would look favorably upon this legislation.

Sen. TROWBRIDGE: I would just like to amplify what

Sen. Smith has said. In one small way I think it is interesting for you to know that recently, two or three years, the medical profession has found a good deal more radiation treatments can be successful in many cases but this has taken the cost of cancer cures sky high. I was interested to know and I think that the people in Salem would be interested to know that no one in the state of New Hampshire who comes for treatment is turned away by either the medical profession or the state. If they can in fact pay it they do and if they have major medical this covers a great deal of the cost. I was very gratified to find that no one in the state was saying, "I am sorry you can't have radiation treatments because you don't have the money." This treatment is being picked up by the medical profession, picked up by the hospitals and it is being picked up and the \$40,000 that we are asking for here right now and it comes to a total of \$105,000 per year for treatment services that we are supplying to 200 people to give them the right to live, as it may be. I think that it is a highly worthwhile bill.

Adopted. Ordered to third reading.

SB 78

relative to representation for indigent, neglected and abused children. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill provides for an appropriation of \$15,000 for fiscal year 1974 and fiscal year 1975 for the representation of indigent, neglected or abused children. Under the present law indigent adults have the right of legal representation with any problems that they may become involved in. Presently, however, the child who is either indigent, neglected, or particularly abused do not have this right. Often it is in the interest of the child to have representation because the representation which his parents may have may not have the same interests that the child has and what that representation does for the adult. I hope the Senate will look favorably upon his bill. It was recommended and brought in by the Governor's Commission on Laws Affecting Children and I think that this is one of the more important pieces of legislation recommended by that commission during this legislation session.

Sen. BOSSIE: I note from the text of the bill that it provides for a maximum of \$50.00 for juvenile cases, yet an adult is provided \$100.00. How do you distinguish between the two?

Sen. S. SMITH: I think you will find that the total is \$100.00 for the first representation and then you will find that it is \$50.00.

Sen. BOSSIE: It is ironic that one who is 15 years old is deemed a minor or juvenile in an offense and in fact one who is sixteen is considered an adult. It seems that there would be a question as to why one is a juvenile and he only gets \$50.00 and an adult receives \$100.00.

Sen. S. SMITH: I think that you will see that the maximum on the bill is \$100.00. I think the question here is not representation possibly against the parents of the child who may be abusing. I think that this is a very different situation with the older person.

Sen. SPANOS: Senator Smith, the bill before the Senate at the present time is drafted and amends the current statute, only to provide counsel for neglected and abused children. The statutes already has the amount of money due for what would be provided for an adult counsel or for the indigent counsel. Is that correct?

Sen. S. SMITH: That is correct.

Sen. SPANOS: The only thing that it adds to the bill is neglected and abused children. Is that correct?

Sen. S. SMITH: That is correct. And the indigent adults presently have the ability to receive such legal counsel.

Sen. JACOBSON: Mr. President, I rise in support of SB 78 for the reason that the problem of neglected and abused children is growing in two respects. First of all we are all becoming increasingly aware of the great deal of existing neglect and abuse of children, particularly those children who are under the age of four years. Secondly because of the changing social, remedial situations it is actually an increase in the number of neglected and abused children. These children who presently live in New Hampshire at least do not have the prospect of representation with respect to their rights.

I am, however, disappointed that we do not have an alternative system to the adversary system to deal with this very serious problem of domestic relations. It seems to me to be a very sad commentary on the development of our judiciary sys-

tem, that we would in these cases put the father or the mother against the child. That is possible and it exists. It seems to me that we ought to be developing a system where the rights of the children are clearly preserved and that the effort be one of reconciliation. Therefor I support the bill and hope that we will also change the system whereby these actions cannot take place.

Sen. BOSSIE: I rise briefly to speak in favor of the bill. At the present time as Sen. Jacobson has well stated, frequently the child is neglected and there are matters before the courts in this state involving neglect or abuse. At the present time and in fact the children who have been abused do not have this right right now because they don't have the money to pay for the lawyer. It is obvious that the child does need this and this is one remedy for this situation.

Sen. JACOBSON: Isn't one of the serious problems at the present time that while the parents, as you stated are represented, the child is only represented by a social worker and left to the mercy of the cross examination process?

Sen. BOSSIE: This is certainly true and I might also point out that a good friend of mine is in this position who is in the State Department of Welfare and she recommends that indigent and neglected children, without the benefits of counsel, on occasion they may receive help from the Attorney General's office of the state of New Hampshire but that office is so busy they can't run around the state and provide counsel for every case. Certainly this is true Sen. Jacobson.

Sen. NIXON: I rise very briefly in support of the passage of SB 78. In doing so I would like to attempt to answer at least in part, the very valid question that Sen. Bossie asked as to why the maximum of \$50.00 is the proposed amount to be allowed for the representation for a minor and why \$100.00 is the amount for an adult when they are indigent. The reason there is not a justifiable, rational, or logical explanation is just because there isn't enough money to do a job right. I might set a parallel example. Two or three weeks ago a three week trial for murder in the Merrimack Superior Court was undertaken and in that case the chief lawyer for the defendant the former Senator Richard W. Leonard, from Nashua, who had been asked specifically after several trial lawyers were not able to

take on the burden and who could not get along with the defendant and because of the nature of the trial, was assigned to the Chief Justice of the Superior Court to undertake that task. It involved three weeks of trial, I think it was, and that was the trial itself not to mention months and months of work for preparation for the trial for which under the statutes applicable to the defendant being indigent Senator Leonard, a good lawyer he received the princely sum of \$500.00 altogether to cover the overhead and everything else. That is because we do not have the money to go around, Sen. Bossie, to see that these people are represented adequately or the people that I asked by reason of obligations to their professions do represent them and get paid for it. This is a situation that I think the Senate and the people of Salem should know about as well as they should know about the generosity of the great majority of the medical profession as evident by the treatment of cancer patients even though they cannot pay under the statutes in that section. Thank you very much.

Adopted. Referred to Finance.

SB 56

revising the scenic roads act. Ought to pass with amendment. Sen. Poulsen for the Committee.

AMENDMENT

Amend RSA 253:17-a as inserted by section 1 of the bill by inserting in line six after the word "road." the following (The town clerk shall notify by regular mail all abutters along the road that lies within the town, that a petition has been filed to have such road or portion thereof designated as a scenic road and that an article to this effect will appear in the warrant at the next town meeting.), so that said section as amended shall read as follows:

253:17-a Petition by Landowner. Any person who owns land which abuts a road for which scenic road designation is sought pursuant to the provisions of RSA 253:17 may petition to have such road designated as a scenic road as though he were a voter of such town, provided that he shall certify under penalty of perjury before a notary public or justice of the peace that he owns land in the town which abuts said road. The town clerk shall notify by regular mail all abutters along the road that lies within the town, that a petition has been filed to have

such road or portion thereof designated as a scenic road and that an article to this effect will appear in the warrant at the next town meeting.

Sen. POULSEN: Mr. President, this bill's amendment is on page 58 of the calendar. It has an error where it says referred to the committee on Resources. It comes from the Public Works and Transportation committee.

The amendment makes it necessary for the Town Clerk in each town, which scenic roads are voted on, to notify the abutters of the roads before the legislation is passed. The bill itself only slightly changes the present road law. It does allow the road agent to remove plants, trees, rocks and things like that in more or less emergency situations and also gives the right to the abutters of the road, though not voters of the town to petition to have a road become a scenic road. In other words, people, even without a stake can petition for it but to protect the other people on the road the amendment was added by the Senate committee so other owners of property on that road are notified and can get it to the town meeting on time to defeat or accept that road as a scenic road. It is a good safeguard and I urge its passage.

Sen. TROWBRIDGE: Mr. President, SB 56 is my bill and I would like to thank the committee for their work on the bill. For the record I would like to have it shown that in some of the town meetings the question was asked, does a scenic road bill when it gets passed, and it is designated a scenic road, does it prevent the abutters, the landowner himself, from cutting any trees along his own frontage? In other words, here I have a scenic road so dedicated, can I go out on my own driveway and cut down my own tree or can I remove my own stone wall?

Really, the intent of the scenic road bill, which was sponsored by Senator Nixon in the last session, which I worked on in the House was only to prevent the road agent from indiscriminately cutting down trees and removing stone walls and it was not to prevent the landowner himself from whatever work he wanted to do on his own property. So that is the point here that I would like to read into the Senate report, that is the intention of SB 56 and it was the intention of the previous bills. I would also like to raise the issue that the committee had a great time trying to find out what the definition of a tree was, there are

a number of definitions and I think that the committee very wisely decided not to define a tree. I am sure there will be House amendments coming back on this because there are a lot of people interested in it. I think it best we now let it go out to the House and I am sure we will probably see it again. I urge your support.

Sen. NIXON: As Sen. Trowbridge indicated, three years ago I sponsored the original law which is now on the books which is known as the Scenic Road Law. The credit for that idea goes to a lady, Frances Dunn of New Hampshire, who together with some interested environmentalists and conservationists throughout the state and throughout the country, thought it was unfortunate that New Hampshire was permitting beautiful and in fact, scenic town roads all across the state should be losing them to the necessity for safety and emergency purposes, stringent to the restrictions that accompany the town roads systems from the state levels. As a result this bill allows a town at a town meeting to designate a particular road or roads as scenic roads thus as to protect it to some extent and control it locally in terms of how wide it is, whether it is paved, whether stone walls should be torn down and to cut down trees arbitrarily without their consent on the matter.

It is a good bill and a good law and we ought to get it passed. I do however, agree to some extent to the critical writings in New Hampshire Notes last week in the Shoppers Guide on the part of some people in the environmental field who say that the local landowners do not now have enough control over the say as to what is done on their own road so to speak. Also there may be some justifiable situation where the road agent should have more leeway than he does now. I am concerned a little bit about the text of the language in the proposed amendment now before us "provided however that a road agent may remove portions of trees, shrubs, or vegetation, and other natural or man-made obstructions which interfere with the safe travel upon such road without such consent." This gives the road agent a single man, and these are very fine selectmen, as you know whether it be Salem or in New London, wherever it may be, it gives one man the absolute power to decide these cases, whether tree, particular stone wall or particular bush that is a hazard to travel and allowed to cut it down without consent, or without notifying the people involved and without

a hearing. I am sure that there may be abuses now under the present law and this amendment may well open the door to further abuses. I may say that the great state of Massachusetts, to the south of us, on March 6, 1973, adopted New Hampshire's Scenic Road law as was worded by us two years ago with no such amendment now before us. It is with some reservation that I rise not in support of the amendment but not objecting to it at this time but I think it is an area that deserves careful study and hope that those who are involved with the protection of our environment will see to it that this study is received before this proposed amendment to the scenic road law receives final approval.

Sen. TROWBRIDGE: Sen. Nixon, we both agree, I think, one has to agree that the police power of the Town still remains in the road agent to take down the trees that let's say were across the road threatening to come down. That was the language of the amendment and it was supposed to cover that police power already there. I admit that it is too broad. Would you believe that we will probably have some change in that when it comes back from the House?

Sen. NIXON: I will take your word for anything and I certainly will go along with you in this case.

Sen. SANBORN: Being an old country boy, it seems to me that I remember —————

Sen. NIXON: I just put my hand on my wallet. . . .

Sen. SANBORN: It seems to me that I remember some plan in the statute which was told to me by a selectman, that the selectmen are empowered by this old statute, that they can survey the various highways and roadways of the Town and the designated agent can remove any dead trees that might endanger traffic on the highway. Is that still on the books?

Sen. NIXON: Sen. Sanborn, I will defer to your many years of experience in town government and your good common sense and your honesty that the answer is probably yes but this amendment before us goes beyond the matter of crossing the roadways and in my judgement it is worded broad enough to allow a road gent to cut down a beautiful 200 year old elm in the middle of a lawn if he did so uncontrolled and he felt that this beautiful, scenic choice elm tree was somehow endangering the highway traffic, that is what concerns me.

Sen. BROWN: In the statute at the present time, if the road agent cuts down trees along the road, he has to get the permission of the abutters and after he takes it down he has to leave the wood piled up along the road side for a period of ten days so that any taxpayer in the town who wants it can take it in that period of time and then he can remove it from the site. Being a past road agent of Hampstead I ran into this problem and I was informed of the statute. My question is does this repeal that statute?

Sen. NIXON: I would like to say first of all we are all aware of your long experience as road agent in the Town of Hampstead, as you recently retired and I am sure that you were aware of the problem. To answer directly to your question there does appear to be a conflict and to go beyond that I would say that last week I interviewed a lady who was very upset from the 9th district who was in this case, a road agent who came down on her property and cut down impressive, beautiful and living trees and she thought they were in no danger to the highway and this is what happened under the existing law. Of course I don't think that he had a right to do it and she doesn't think he had a right to do it. The problem is that he came to the place, and the place is a mess now, and under the old statute, I think she has some kind of moral action for damages against the Town under eminent domain procedures and she has to hire a lawyer and all of that foolishness. I am just afraid that we shouldn't subject these trees and the people who have them on their land and in my judgement it is a kind of false relief from the dangerous situation in respect to the beautiful environment. I do think there is inconsistency with the present amendment and the existing law.

Sen. POULSEN: Is it not true that the width of a road govern the ownership and that people frequently own or disclaim trees pending on the life of the tree? Is this not true?

Sen. NIXON: I am afraid you being the chairman of the Board of Selectmen in Littleton would have much more experience in that area than I would. All I can tell you that in my experience in New Boston as Town Moderator indicates that people, like me and you and everybody else tends to sometimes ——— property that is not on their land depending whether it

will benefit them or not. In doing that they are only sticking up for what they believe their rights.

Adopted. Ordered to third reading.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be ready by title, resolutions by caption only and that when we adjourn we adjourn until Tuesday at 1:00 in Concord and with thanks to the Salem Board of trade and Mrs. Bealey for a truly delicious buffet supper, the Salem Garden Club for the flowers, Mr. Arthur Berlin, Salem Schools Media Coordinator for directing arrangements, the Salem School Board, the Salem Lady Lions for hostessing a reception in the cafeteria following the session, to the V.F.W. Post 8546 for posting the colors, the Jaycees, the Board of Selectmen and all the people of Salem and in honor of Mrs. Delbert Downing and children who are present this evening.

Adopted.

LATE SESSION

Third reading and final passage

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to allow to be put on third reading and passage at the present time: HB 292, HB 434, SJR 7, HB 368, SJR 5, SB 56, SB 99, that we dispense with the reading of the titles and assign to said bills titles previously read by the chair.

Adopted.

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

SB 99, relative to the library development program.

HB 434, relative to referendum voting by absentee ballot in biennial elections.

SJR 7, providing a supplemental appropriation for the New Hampshire historical commission.

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for

qualified New Hampshire students and making an appropriation therefor.

SJR 5, providing a supplemental appropriation for the Cancer Commission.

SB 56, revising the scenic roads act.

Adopted.

Sen. Downing moved the Senate adjourn at 9:15 p.m. in honor of the people of Salem.

Tuesday, 17Apr73

The Senate met at 1:00 p.m.

(Sen. Spanos in the Chair)

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Almighty God, maker and preserver of all things. We this day offer unto Thee our thanksgiving for the release of our Prisoners of War.

Guide us in our search to find those who are missing in order that they may be accounted for.

Guide us through these turbulent and difficult days in which we live. Send unto us a new sense of Thy presence, in order that we may work together with understanding and respect for one another, in the Spirit of Him who came to set us free . . . Thy Son Jesus Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Sen. Blaisdell.

Introduction of Bernard Corson, Director of Fish and Game to speak on the function of his department.

Sen. PRESTON: There are several students from the sea-coast here today, who have expressed an interest in you perhaps

expecting when the clam flats so effected by the Red Tide last summer, might be open to the taking of clams once again.

COMM. CORSON: I would be happy to try and answer that question. From Cape Elizabeth down to our door is still closed. And from Massachusetts, about forty or fifty miles in, and all of our coast line. This is just a particular plant-like organism. It's called a dinoflagellate, it's plant-like, it's in the water and why it came we don't know. We hoped with the severe storms and the flushing effect that it would wash itself out. I have been submitting to people directly concerned with the coastal area test and just what happens with these tests, just for the record; we take clams to the University of New Hampshire, where a staff member whose specialty is Red Tide, emulsifies these plants. He takes rats and injects them with this fluid and in just a matter of seconds they have a stomach poison, and paralysis, and they do die. So, we can't argue with the public health. But I can assure you that they will be open as soon as we can, because we stand about a \$50,000 deficit in our budget. This is one of the many deficits, due to not being able to have clam licenses available at this time.

Sen. TROWBRIDGE: I think it will be useful for you to discuss with the Senate the status of the Fish and Game Department. I know that tomorrow Representative Drake is going to make a status report to the House and I think you'll never have a better chance than you have now to explain this, what's happened to the Fish and Game Department, if you would.

COMM. CORSON: Thank you Senator. I'd be happy to try. We have been meeting with the sub-committee, of the House Appropriations, chaired by Doug Scanlan, and we have been working with Arthur Drake and only last night we finished another revised estimate. As of this date, April 16, 1973 the revised estimates from the Appropriations Committee on a projection of Fish and Game unappropriated funds for the biennium ending June 30, 1975. They estimate the Fish and Game fund as of June 30 will have a Fish and Game balance of \$173,000. Our estimated unrestricted revenue from federal sources, approximates \$516,000. This is on the positive side. Our Fish and Game revenue along with many other forms of revenue approximate \$1,901,000. Our marine licenses based on the shortage of clam licenses will be around \$20,500. This brings our total unrestricted revenue to \$2,610,000. Now the Governor's

recommended budget was \$3,030,000. This puts us at an estimated deficit as of June 30, 1975 of \$419,745,000. This is further projected to next June or June of 1975 as a total of \$1,096,451. I might add Senator, this does not include the legislative specials, that the members of the General Court may pass nor does it provide what we always have had as a working capital in Fish and Game. I know you all that we are on a pay-as-you-go basis. And we do have our months when our income does not even match expenditures even in the salary area. Our bi-weekly salary amounts to approximately \$70,000, and there are months that we take in less than this. So, our figure is \$419,745,000 as deficit this June and \$1,096,451,000 in fiscal year 1975.

Sen. TROWBRIDGE: I understand the problem you have is an overestimation for federal funds for which you would be reimbursed for activities done by the state, for which the federal government reimburses you. Would you explain how we have gotten to the deficit position at this time?

COMM. CORSON: Our Fish and Game balance July 1, 1972, was approximately \$1,370,000. We had a less loss in an estimated carry over from fiscal 1972 to 1973 \$186,100. If you want to, compound these figures to give you an insight. There's a loss in state resident hunting licenses in this last calendar year of \$192,000. Since 1969 our resident hunting licenses have dropped off 10,000. We had a high of about 26,000 non-residents in 1969. Our non-resident sales this last year approximate \$16,000. Now that's 10,000 licenses and if you just take that times \$40 which is the going rate for non-resident license fees, that's \$400,000 that we don't have that we had two and three years ago. This year however, 1972, our loss in non-resident hunting licenses was \$192,000. There was an increase in the annual payroll for the simple salaries in the forty hour week for our conservation officers which was effective in 1972, which cost the department \$178,449. The estimated loss due to free licenses at age 68 was thirty-five thousand dollars. The estimated loss for claim licenses due to Red Tide was \$50,000. There were certain legislative specials such as the overhead, which is \$26,000 which is pro-rated against every department, we understand that. There was a special legislation for \$30,000 for pheasant or game birds. The cost to the Conservation Retirement System for the accrued liability was \$283,000. Search and rescue and drownings and so forth approximating \$30,000.

These are the areas or impacts on the Fish and Game Fund which have depleted any Fish and Game balances that we might have. Now I know that you know as well as I do too, that the cost of the Fish and Game Department like every other department has gone up, whether it be for dam constructions, or fish food or pheasant food or you name it, I mean our cost rates go up like any other state agency. Does that answer your question?

Sen. TROWBRIDGE: Right. You have the authority to open or close the seasons and set the limits. One of the questions which crop up down in my area is why the trout fishing season has to wait until the first week in May and not just open it when the ice is out even though fishing may be bad. Can you respond to that?

COMM. CORSON: I'd be very happy to respond to that. We stock our fish based on temperatures. Right now your waters for the most part have been running pretty near 32 degrees and many times stocking fish in these waters results in a loss of fish. Waters have run high, they go out into pastures and fields and overrun the banks. You take fish from the water hatchery, the water supply which runs about 44 or 46 degrees and you dump them into water that's running thirty two degrees and I'm sure you can sense what happens to their activities. They're slowed down. But in response to your question Senator, there's no reason really, in fact, some states have year round in certain areas.

We think by and large, fishing in New Hampshire, we have our remote ponds, we have our remote areas where we do drop fish in by air but it's pretty much in the form of a flip-take affair. This has to be, I mean we don't have many streams and someone here will deny this because they have their favorite spot in some remote area where they can go and catch some nice native trout and I'm delighted but by and large the bulk of fishing in New Hampshire is a flip-take affair. So actually, if persons were to fish any particular river that wasn't stocked they wouldn't be catching any fish anyway.

Sen. PRESTON: There are several bills as you know being considered that would give special consideration or privilege to residents in matters of content. Would you care to comment on what the attitude of your department would be on this? I don't mean to declare open season on you with that question.

COMM. CORSON: The Fish and Game Commission does recognize the popular concept and the resident appeal of the first shot on the white tail deer. And my posture on this issue may be one of the underdog, but with a sense of responsibility to all sportsmen who contribute to the protection, and development of New Hampshire's resources, the director like all his counterparts and the Fish and Game Departments throughout the country have no choice but to oppose this fence-building concept of "don't let other people in," which in my opinion has strong burrs in the saddle. Now, I am not sure, and I don't pose as a lawyer as many of you are, about the constitutionality of this thing but it is a touchy thing and it's best if you look at some of the statistics.

The natives of New Hampshire shoot better than 70% of the deer, this year they shot 72% of the deer. As I have said in earlier testimony here, there is something that is being built in, there is a built-in check now developing that's restricting the non-resident from coming to New Hampshire. I don't think it's the \$40.50. Maine for instance, last year Mr. President had 10,000 less non-resident hunters. There are these facts to consider. You have about 70,000 resident and 16,000 non-residents. The residents get 72% of the deer obviously because they know where to hunt better than most non-residents and also one issue that I think is terribly important is the non-resident taxpayer.

I know that you must be concerned about taxes in New Hampshire and the non-resident taxpayer, I have a letter from a Mr. and Mrs. Lye of Ossipee in Carroll County and they have approximately 5,000 acres of land. And they resent very much being a taxpayer in New Hampshire and yet not having an equal opportunity to hunt on their land at the same time the resident is hunting. In other words, if they leave their land unposted the resident can hunt on this land on which they are paying taxes and the non-resident cannot and they just want the equal opportunity to hunt on these lands at the same time. And if they don't have this opportunity this one non-resident family will post 5,000 acres. Now I don't know what percent of resident landowners and non-resident landowners is, but I project this to be as high as one third of the land belongs to non-resident landowners. Now if a third of the landowners of New Hampshire are non-residents and post their lands this in turn has a backlash indirectly in making areas more restricted for hunting opportunities in New Hampshire.

Sen. LAMONTAGNE: On our snowmobile fund. Would you have the figures on that now?

COMM. CORSON: Snowmobile fund? I think I can give you a projection. I'll give our approximation for fiscal 1973, which is approximately \$70,000. Now they project based on HB 10, that is, the House Appropriations Committee, a hundred and twenty thousand dollars for fiscal 1974 and a hundred twenty thousand for fiscal 1975. That's based on the new license fees and probably an increase in the number of snowmobiles.

Sen. SANBORN: You speak about the land requisition program. What would you perceive to be, what in your mind would be a good amount for the state to set aside in these areas?

COMM. CORSON: You mean in acreage? Well, that's a tough question, Senator. I wish I could answer you that. I just feel that if we could acquire even 5,000 acres per given time. Now one of the prerequisites for this is stream bank requisition which is tough. In other words we've talked about it and we're pouring many thousand dollars into the Connecticut and the Merrimack and when I say the Merrimack I'm thinking the Pemigewasset and all up through there, in a salmon restoration program, etc. It's remiss if we pour all this money in without any access points for our people to go into these points to fish or other recreational opportunities. I know that you know that the thirteen hundred more or less ponds or lakes in New Hampshire about 70% of them have no access to them whatsoever. Now many of these lands of these land acquisition fees would be used for stream bank acquisition lakes, and ponds access points and also as you've indicated parcels of land that would support water fowl and wildlife.

Sen. SANBORN: The second half of this Mr. President, is this land being taken out of the tax base of these various towns, how are they going to be able to recompense toward this?

COMM. CORSON: This certainly is a fair question and Mr. President you know that it's the posture of this director and my administration to be sympathetic with the landowner. I have tried unsuccessfully for two years to introduce legislation to subsidize the property or the towns for the land that the Fish and Game Department takes over in the way of a tax rebate. I've also introduced legislation this year which is to reimburse the landowner for the privilege of hunting on his land. Ob-

viously, without the funds we are in an embarrassing situation. But had we had those funds, I'd just like to go on record, Senator, as being sympathetic with the landowner and trying to work so that the Department can do this. As a matter of fact we get 75% back on the dollar for this sort of a tax rebate program. The federal authorities authorized that and that's why I was fired up about that program.

Sen. GREEN: Is there any reason, regardless of stocking schedule of stocking fish in New Hampshire waterways? Is there any reason why regardless of that schedule that fishing cannot be open on more of a permanent basis?

COMM. CORSON: There is no biological reason for not opening the season earlier. You are standing on solid ground Senator, and so is the original question about opening the season. There's no reason why it couldn't be opened earlier. Where there may be some problems is, everything has an angle to it. Our conservation officers all a busy lot of people as you know and the smelt season is open and the salmon season is open now in the big lakes and sometimes this does stagger out the workload a little bit but as I did say from a biological point of view you are absolutely right.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 130, to indemnify officers and employees of municipalities and school districts from liability for damages, and to allow insurance coverage for the liability. (Bradley of District 5 — To Judiciary.)

SB 131, relative to a mandatory penalty for illegal sales of narcotics for profit. (Green of District 6; Poulsen of District 2 — To Judiciary.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 637, an act eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts. Banks, Insurance and Claims.

HJR 15, relative to fire and rescue services provided by the

town of Allentown at Bear Brook State Park. Recreation and Development.

HB 667, to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg. Recreation and Development.

HB 640, authorizing the governor to enter into contracts with veterinary medical schools. Public Health, Welfare and State Institutions.

HB 606, relative to the control of abortion. Public Health, Welfare and State Institutions.

HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director. Public Health, Welfare and State Institutions.

HB 398, prohibiting use of certain types of traps. Recreation and Development.

HB 447, to define the terms "when accompanied" as used in the fish and game laws. Recreation and Development.

HB 569, relative to the time of delivery of the county budget statement. Executive Departments.

HB 635, relative to temporary loans under the municipal finance act. Executive Departments.

HB 565, requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported. Judiciary.

COMMITTEE OF THE WHOLE

Sen. Trowbridge moved for a Committee of the Whole.

Sen. TROWBRIDGE: Mr. President, the reason for my motion is that we've had discussions today on the proper method of handling House Bill 606 which is the House Bill regulating abortions, which passed the House last week, that opportunities be given the entire Senate a chance to debate the issue of how we should handle it the timing and and therefore, that is my reason for asking for the Committee of the Whole at this time. I believe I am supported by the Chairman and the Committee of Public Health who have something they want to an-

nounce to the Committee of the Whole as to their point of view and that this would be a proper vehicle for doing it.

Adopted.

(Regular Session)

ENROLLED BILLS REPORT

HB 75, relative to fines for depositing litter in prohibited areas.

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated or under the influence of drugs.

HB 250, requiring that no more favorable loan terms be granted by banks to officers thereof than to others.

HB 397, relative to the permitted use of privies.

HJR 7, in favor of George T. Ellis of Concord.

Sen. Provost
For The Committee

NONCONCURRENCE BY THE HOUSE ON SENATE AMENDMENT AND HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

The speaker has appointed as members of said Committee of Conference on the part of the House of Representatives Reps. Williamson, Boyd, Nelson, Oleson, and Harriman.

On motion by Sen. Porter, the Senate voted to accede to the request for a Committee of Conference.

Adopted.

The Chair appointed as members of said Committee on the part of the Senate, Sens. Porter, Preston, Sanborn and Gardner.

COMMITTEE REPORTS

SB 37

to encourage voter participation in primary elections. Inexpedient to legislate. Sen. Jacobson for the Committee.

Sen. Jacobson moved that SB 37 be made a Special Order of Business for 1:01 tomorrow.

Sen. JACOBSON: Mr. President, this happens to be the President of Senate's bill and he has asked that he have the opportunity to enjoy the debate tomorrow and I think that's a reasonable request.

Motion adopted.

HB 195

relative to semi-annual collection of taxes in cities and towns. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President this bill allows the towns that collect taxes semi-annually instead of taxing at the half year at half of the previous year's tax, that they use half the last year's tax rate this way any property that has increased in value, they can get the benefit of the additional tax at the half year mark instead of waiting until the end of the 1 year.

Adopted. Ordered to third reading.

HB 338

authorizing cities and towns to make payment of relocation assistance. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, House Bill 338 authorizes any department, agency, or any municipality of the state and cities and towns to make payment on relocation assistance. Relocation assistance is a federal regulation. This legislation is to enable cities and towns to qualify for federal funds by complying with the provisions of the uniform relocation assistance Act of 1970.

Adopted. Ordered to third reading.

HB 343

relative to the disposal of dog license fees. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. PRESTON: If this bill is relative to the disposal of dog license fees, it was felt by the committee that the present laws cover the disposal of these and the separate accounting for the fees as they now exist and that this should be inexpedient to legislate.

Adopted.

HB 345

relative to licensing and restraining dogs. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill takes away the words town and substitutes the words selectmen or governing body in dog legislation you might say. Under this bill the selectmen would have the right to instigate a leash law or whatever. I'm opposed to it personally. The committee was opposed to it. I think most selectmen would be opposed to it. It is a very hot issue in the towns and I think the towns themselves should have the right to decide and not the selectmen.

Adopted.

HJR 14

relative to a supplemental appropriation for the board of nursing education and nurse registration. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this is a difficult supplemental appropriation bill for nursing education. One of the problems they have there is sending out their mailing lists and the addressograph — multigraph that they brought in 1950 has now sprung a functional leak and simply cannot be used so that they have to go across town every time they want to make their license things so that is for the item of equipment here. The other portion is the change in their rental, which went up \$850 that has hit them since last August. So that these two items the \$1,442.00 for equipment and \$850.00 for rental are what HJR 14 will get them through to June 30, 1973.

Adopted. Ordered to third reading.

HB 383

relative to filing a report of catch of fur-bearing animals. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President and members of the Senate, the HB 383, relative to the planning report of the catching of fur bearing animals. This bill changes the way in which the report is made. The law as it now states, the law that the catch is reported to a conservation officer. This change of the bill would be that it would require the catch to be reported on blanks provided by the director on or before May 15 of

each year. Every person with a license to take fur bearing animals shall file with the director a report of his catch. Any person who fails to make this report shall be fined not more than \$50 and may be refused a license in the next succeeding trapping season. The committee was unanimous in its report and I ask the consent of the Senate.

Adopted. Ordered to third reading.

HB 381

relative to the suspension and revocation of the privilege to operate a boat in New Hampshire. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, House Bill 381 gives the director of Safety Services the power to suspend the privilege to operate a boat without hearing, and the power to revoke the privilege of operating a boat for violation of the boating laws after a hearing. Presently, there is no licensing of boat operators so all safety services can do at the present time is to suspend or revoke the registration of the boat. But this doesn't prevent the reregistration of the boat in someone else's name and a lot of the violators operate the boat the following day. The purpose of this bill is to give the director the power to suspend a person's privilege to operate a boat for a period of time without a hearing.

Sen. BOSSIE: How could this be effectively controlled? Say this were done how could the Commissioner be sure that somebody who is not able to operate a boat is doing it if there is no license?

Sen. BROWN: The only way that I can see that they can do it, Senator, is that as they patrol the lake, they see that person out there after knowing his privileges have been suspended and then they can arrest him and hold a hearing within 30 days and then he is subject to fines and penalties. One of the reasons the director would like this power Senator is that they don't like to arrest young people. What they would like to do, and this bill gives him the power to go to the parents of that young person, if the young person is violating the boating laws and tell the parent that he can no longer operate that boat for two or three weeks whatever the case may be, in most cases that's a more severe penalty to the younger person than arresting them and fining them.

Sen. BOSSIE: I appreciate the answer, I was just wondering about the people who have boats on trailers and they go from lake to lake. So, like one week I'd be at Merrill Lake or Echo Lake driving my boat, they suspend my privilege to operate this boat and I say "what the heck there's no licensing anyway" and I come down to the southern part of the state and operate my boat. How can we control that?

Sen. BROWN: I don't know. I'm sure it would be very difficult.

Sen. PORTER: On the committee bill I see there's no specific penalty, like let's say someone is found violating the right to boat and so forth or the rights of the lake and his privileges are suspended, but what if he continues to do that? What are the penalties in fact?

Sen. BROWN: Well, if he continues to do so under suspension he is then arrested by the man in charge of the lake and within 30 days he has to have a hearing and goes before a hearing of penalties and I imagine it's left to the judgment of the hearing. I don't know if there is any set fee.

Adopted. Ordered to third reading.

HB 356

relative to abandoning animals. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 356, was introduced by Representative Karnis of Hillsborough, relative to abandoning animals. This bill defines the term cruel to include abandoning any animal in any manner that would be injurious or detrimental to the physical safety of the animal. The committee recommends its passage and I ask the support of the Senate.

Sen. SANBORN: I noticed in here that they'll be fined not more than two hundred dollars or imprisoned for more than one year. Now just how do you catch up with somebody that has abandoned an animal at the side of the road?

Sen. BLAISDELL: Well, Senator I really don't know. All I do know is that we do have a fine for it and if they are caught then the fine would stick. I don't know how. I think Senator Gardner asked that in committee and I don't think there's any way we can do it. But if they are caught at least the fine is there

and there is a fine for it, and this is just added to the bill by the way.

Adopted. Ordered to third reading.

(Sen. Bossie in the Chair)

HCR 6

to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, I am bewildered at the rate of precedence we've had so far today. This concurrent resolution memorializes the House and Senate of New Hampshire to ask the Congress of the United States to call a constitutional convention to admit to voluntary prayer in our schools. Many people testified at this hearing, the Federated Women's Club, and many people were for it; there was one which spoke against it but the consensus was that we do want the ability to have voluntary prayer in the schools. We urge the passage of this resolution.

Sen. Jacobson moved that HCR 6 be amended and the clerk read the amendment.

AMENDMENT

Amend the title of the resolution by striking out the same and inserting in place thereof the following:

HOUSE CONCURRENT RESOLUTION NO. 6

To petition the Congress of the United States of America to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

I. That the Legislature of the State of New Hampshire, hereby, makes application to the Congress of the United States to propose an amendment to the Constitution of the United States to the effect that: "Voluntary Prayer Shall be Permitted in Public Schools at Appropriate Times, Daily."

II. That the Legislature memorializes the New Hampshire

representatives to the Congress of the United States to take immediate action to implement the above request; and

III. That copies of this Resolution be forwarded to the Washington office of each of the United States senators and representatives from the State of New Hampshire.

Sen. JACOBSON: Mr. President, may I first say that I am not opposed to prayer. In fact, I believe in prayer. May I secondly say that I am not opposed to prayer in schools. In fact, my oldest boy went to English school when we lived in England and everyday they had prayers to the Queen, they sang Anglican hymns, and I very carefully watched him and I discovered that it didn't have any ill effects. I am opposed to that part of HCR 6 that calls for a constitutional convention. In exactly the same way that I was opposed to HCR 1 which was sponsored in the last session of the legislature, which called for a constitutional convention for amendment with respect to revenue sharing. The issue is this, that once you call a constitutional convention it opens it up to every other question because there is no way in which you can limit that constitutional convention. You cannot make rules ahead of time for a group that is in itself its own governmental unit. I don't know what would happen if we called a constitutional convention. But I am fearful that we might get involved in all kinds of radical changes.

Our forefathers in 1787 devised a document that has proved to be an elastic instrument, and I see no reason for calling that convention. We already have the instrumentality — the Congress to propose an amendment in exactly the same way that we as legislators can propose an amendment. And then it can go through the process. I might also add that I believe that the United States Supreme Court and in the *McCallum* and in succeeding cases misinterpreted the original intent of article I of the Bill of Rights. That our forefathers were not thinking about prayer in school. They were thinking about established religious institutions to which they were objecting and did not want to have their country be on some established religious basis, but be that as it may the court has ruled in this direction and I must support the tri-partite system with regards to what the court does. So that we do already have the avenue open, so if the people, and I understand that the majority of people in this country favor the allowance of prayer in school, that kind of pressure ought to be persuasive on the members of Congress.

And for that reason I oppose that part which calls for a constitutional convention. I support the idea of prayer.

Sen. SPANOS: I rise in support of Sen. Jacobson's amendment. I went to school where the Lord's Prayer was offered each morning and for six terms I have prayed with the House and this body without being contaminated. But if we enact this resolution, the General Court has taken a step towards the calling of a Federal Constitutional Convention — a measure which will put into operation an instrument of change never utilized since the original Constitutional Convention which adopted the U.S. Constitution. I should point out at this time, that if 34 states adopt such a resolution, Congress must call such a convention. It has no discretion. What bothers me is that we have no experience in this area, no precedents, no guidelines of operation. I submit that before we act to call a Federal Con-Con, that the Constitution be amended first, to establish procedures and guidelines, or, as some believe, have Congress enact legislation to create the machinery required. However, the thing that worries me the most (and concerns most opponents of the Con-Con method) is that there is nothing in the U.S. Constitution to limit such a convention to a single issue, i.e. prayer. Many feel that it cannot be so limited and are frightened over the possibility that the convention might rewrite the national charter. If this is the case visualize, if you will, the type of amendments that might be proposed. Abolish the income tax; elect the Supreme Court; limit social security taxes; require the advice and consent of the House for treaty-making; limit the power of the President; rescind a portion of the Bill of Rights.

I am not being facetious — these amendments (and many more) have been introduced by individual Congressmen in the past. As Sen. Cotton said: "At best a Constitutional Convention would be likely to submit a host of amendments dividing our people. At worst, it might even attempt to re-write the Constitution of the United States. Ted Sorenson said: "There is a possibility that we will have a wide-open unpredictable dabbling with our historic charter. Here we have the views of two men on opposite ends of the political spectrum philosophically, who feel that the Con-Con procedure is dangerous. I hope you will adopt the amendment offered by Senator Jacobson so that the message can get to our congressional delegation who should be the proper vehicle for recommending a constitutional amendment.

Sen. FOLEY: Whether this resolution is passed by memorializing Congress or by convention, the State Federation of Women's Clubs has done a long and extensive study and has worked very diligently for this proposal asking for an amendment to the Constitution of the United States permitting voluntary prayer in school. The permissive and, voluntary, I feel, makes this proposal acceptable to all and I urge adoption whether by the vehicle presented to us or by another vehicle.

Sen. POULSEN: I arise in support of the amendment. I have no intention of opening Pandora's box, under the terms of the amendment I think we're trying to achieve the same thing we're trying to relieve the prohibition from voluntary prayer. I think that's what we are after.

Sen. SMITH: Mr. President, I rise also in support of the amendment. I was about to draft a similar amendment when I found that Senator Jacobson was in the process of doing so. Two years ago I was on the opposite side of my esteemed colleagues, Senator Spanos and Senator Jacobson on HJR 1, upon reflections however, I think that not only in this instance, but in almost any instance the calling of a constitutional convention, or the request of the calling of the constitutional convention which we should be very careful and mindful of and I would just for a moment like to reflect my thoughts on our federal constitution over the years. As a child probably I considered it almost holy writ, as a student I considered it an amazing document in the relationship of government — people to people, institution to institution but in the last ten years I find again and again in this country that it is a very delicate fragile document and one which I feel should not in any light mood be tampered with.

Sen. BRADLEY: Mr. President, this is in a sense a fairly simple amendment and inspiring by the third whereas clause of the resolution itself, in fact it's taken virtually verbatim from that. And that is an expression that is substantially clearer to my mind as a lawyer than the operative phrase that is in the present resolution which simply says voluntary prayer shall be permitted in public school, at appropriate times daily. I am not against prayer either but I am concerned about asking for a constitutional amendment without being a little more specific of what we are talking about, and my intention here is

simply to focus in on the right and it seems to me, we're at tempting to establish the right of individual students to voluntarily say prayers, in the schools at appropriate times according to the dictates of their own conscience. I think it is a clear cut expression of what we should be asking the members of Congress to propose.

Amendment adopted.

Sen. BRADLEY: I would like to offer a further amendment.

AMENDMENT

Amend the resolution by striking in Section I of same all of the part in quotation marks and inserting in place thereof the following:

"The right of individual students in public schools to voluntarily say prayers of their own choosing on appropriate occasions in accordance with the dictates of their own conscience shall not be denied or abridged by the United States or by any State."

Amendment Adopted.

Resolution Adopted.

(Sen. Spanos in the Chair)

SB 69

relative to selling betting cards by the sweepstakes commission. Ought to pass with amendment.

AMENDMENT

Amend the unnumbered introductory paragraph of RSA 284:21-S, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

284:21-S Betting Cards. In addition to the duties enumerated in RSA 284:21-h -i, the commission shall establish rules and regulations to implement the operation of a game of skill in which eligible residents of this state may try to select the winner of various sporting events including, but not limited to, baseball, football, basketball and hockey contests. However, any form of horse racing or greyhound racing shall be excluded from the provisions of this section.

RECESS

OUT OF RECESS

Sen. DOWNING: Mr. President, SB 69 is sponsored by Senator Bossie. And it's a bill to allow the Sweepstakes Commission to sell betting cards at the sporting events and profits to be distributed to various school districts, as the Sweepstakes profits are now. The sale of betting cards, the schedules in the particular community would be determined by willful auction at the polls. Whether the community wanted them or not. The amendment is on page 62 of today's Calendar and the amendment merely excludes betting in this form on horse racing or greyhound racing. I would further state, Mr. President, that the committee has not divulged whether there should be an appropriation in this bill or not and I discussed it with the distinguished chairman of the Senate Finance Committee and it is my feeling that the Senate Finance Committee should at least look at this bill. If it's the will of the Senate to consider whether something needs to be worked into the Sweepstakes budget. If it's permissive, they may not implement it at all. The Sweepstakes Commission was not interested in undertaking this. It's something they would undertake possibly at a future date. It's something they felt should be controlled, taken out of the hands of the racketeers and if it's going to exist it would be best supervised by the state. But whether they would undertake it during this biennium, or next biennium is a question mark. And perhaps this should be some provision for it. Either that they will appeal to the Governor's council or some expenditure would be included in their operating budget.

Sen. TROWBRIDGE: Sen. Downing, in our discussion which was quite awhile ago, did you get any information from the Sweepstakes Commission as to whether they do make a profit off these? And whether there's any possibility that having 200 or 2000 betting cards outstanding that they can lose? Did you get any impression that this is necessarily a winning proposition?

Sen. DOWNING: I would say the impression I had was that it is a winning proposition or would be or could be a winning proposition. Substantial research would have to be done on it. They simply didn't have all the answers at this point. But they did feel they were not interested in undertaking it, at this

point, trying to get the instant Sweeps off the ground and they got all they can handle. They did feel that if this type of betting was going to continue in the state that it would be best handled by a state agency and that their agency is certainly well equipped to handle it as any other.

Sen. TROWBRIDGE: Well, Sen. Downing, don't you think that we ought to have a broader perspective and input from the Sweepstake's Commission? They say they don't want to do it now and they don't have any idea whether they'd make any money even if they did do it. Why should we pass Senate Bill 69 at the present time with that little amount of input?

Sen. DOWNING: Senator, I feel I probably didn't answer you correctly enough. They feel that it would make money. How much money is an unknown quantity at this time. They are not prepared to predict how much income would come from it.

Sen. TROWBRIDGE: One further question. Are they willing to guarantee that they won't lose money?

Sen. DOWNING: Senator, they are not willing to guarantee that they will even undertake the program at this point until they get the Instant Sweeps out of the way.

Sen. JOHNSON: Senator, now this is on professional sports or college sports?

Sen. DOWNING: It's not limited to any sports. The only ones being excluded being horse racing and greyhound racing.

Sen. BOSSIE: Mr. President, I rise in favor of the committee report with the amendment. I certainly do favor this bill. I would ask the Senate to refer to the Finance Committee to determine the amount that would be needed by the Sweepstakes Commission to effectuate this program. Basically, what it will need is some research on their part to make it work. Now I have no doubt but the gangsters would not be running it, Senator or Senators if it were not making money. As you look before you, these are betting cards so called. Now on the reverse side where it is blank, this is where the teams are printed generally. And needless to say, this is not the time of year when betting cards are in full force because it's generally on football. And I have had to go to a source that obviously had printed these and is waiting for the teams to be placed there. Now

these cards right now are not illegal, it's just when you accept money to place a bet on them that they are illegal. And what I would like to do is have the state of New Hampshire run this so that any profit that is to be gained, will be retained by the state of New Hampshire. And I feel that if you would check out the cards and this is basically the process by which it works, and the back part where it says the prognosticator, three scores, that means if you win, if you pick three teams that do win you get five points. Points are dollars. So for three teams you get five dollars, for a one dollar investment. For four teams you get eleven dollars back.

And basically this is how it works. Now as you've noticed, at the bottom of the card it says, "ties lose." Now "ties lose" means that if there's a tie game in a football game the house wins. In other words this is where they make their money. And it's very difficult especially when you're hitting eleven out of twelve teams that a person does win but it does happen. I don't see possibly how it could lose. I feel that the state of New Hampshire through the Sweepstakes authority, has a good program. From their testimony at the hearing I'd say that they would want to run it if we wanted them to. They just would want to wait a little while until they put this Instant Sweeps Program in. And I would estimate that by next June that they'd be in a position to effectuate the program, so that we could drive our gangsters out and make some money for ourselves and I see nothing wrong with that.

Sen. JACOBSON: I'm totally uninitiated in these and what is the difference between three scores and nine out of ten or six scores and nine out of ten.

Sen. BOSSIE: Well, the thing is, when you pick three scores you have to get them all. If you only pick two you don't win. So if you pick ten teams and you only get eight you win nothing but if you pick nine out of ten you make thirty-five dollars for every dollar you invest.

Sen. JACOBSON: So that if one tries for six scores one can only put down six scores?

Sen. BOSSIE: Yes. On the back side here what you do is, this is the thing that you turn into them; a little stub. This is what would be retained by the state of New Hampshire if they were to have a similar system as this.

Sen. JACOBSON: Now, the mafia, I don't know if you know it or not, always deals in point spreads. Does this involve point spreads?

Sen. BOSSIE: Yes, it does. Usually on the top part of the card where it's blank they'll put a favorite team on the left and the other one on the right and they usually put the point spreads 15 points or so. And this is also how you have the booking because if they pick them by 15 points and it's only fourteen, you lose.

Sen. JACOBSON: One final question. Will this money be able to support 100% foundation aid?

Sen. BOSSIE: What it will support, Senator Jacobson, is to permit Sweepstakes funds to be distributed to the schools in the same proportion as the Sweepstakes fund.

Sen. S. SMITH: Mr. President, I move that SB 69 be referred to the fiscal committee of the legislature and a report back on it January 1, 1975.

Mr. President, I withdraw my motion due to the fact that I understand there's a ruling of the Chair that this bill will be referred to the Senate Finance Committee for further evaluation. I would like, however, to speak.

The CHAIR: If the body chooses to amend this and not meet the measure it will be referred to Finance.

Sen. S. SMITH: I, in the past have voted against most measures of this nature that have come before the House and the Senate, however, last session as I always have, I voted for the dogs and I was co-sponsor of the fifty cents Sweepstakes. Last summer as a member of the Interstate Cooperation Committee, I attended a meeting in Albany in relationship to off-track betting and gambling in this nation. I did not think, that under any conditions the Senate could pass any such legislation unless it has a very firm plan developed by the Sweepstakes Commission or whoever should be the authority, that by setting this up and I am not an expert on the mafia either or on betting or so forth, but it's my understanding that when you have a point type betting of this nature, you need a pool, in other words, other persons of which to offset your betting and secondly, it is a kind which requires a substantial capital outlay. In other words, you have to have a cushion on losses. I think the Senate, this

legislature, should be very careful before it ever adopted a measure of this nature.

Sen. FERDINANDO: Mr. President, I support the committee report. I think we have an opportunity here to control some of the gambling that is going on, and knowing that there is a profit in it, the people would not be involved with the football cards etc. And I think that if we can give the money back to our schools, I think we're doing two things, we're helping the school systems, we're helping our constituents and we're combating any illegal operations that are going on. I think one way to do it is to have the state get involved in this capacity; it will prove in the best interest of all of us.

Sen. S. SMITH: You mentioned as other speakers have, getting the boys who are illegal out of this type of gambling. Do you feel one of the services that this type of gambling offers as I understand it is credit? Do you think the state should be in the business of offering credit to gamblers?

Sen. FERDINANDO: I don't believe that the offering of credit is involved here. If anyone should choose to put a dollar and select three or four teams or ten teams in the hopes of winning thirty-five or a hundred dollars or whatever it may be, certainly the card would not be available without the dollar. I'm sure that the credit part of it is non-existent and as far as I know any one that is operating a bookkeeping operation that didn't accept a dollar, is looking for trouble.

Sen. BOSSIE: Mr. President, I think one of the things that has escaped us at the present time is that there really is not a heck of a lot of difference than the Sweepstakes set-up we have now, with putting fifty cents in a machine and getting out a little stub. The difference is that if we had this football card set-up, it would require a little skill. You'd have to know about sports and a little about the idea of it. So, for fifty cents if you want to take a chance and be one out of ten thousand and collect two hundred dollars that's fine. But I think the state of New Hampshire if we are to have this should offer a chance to people who like to gamble to do something of this nature which requires just a little skill. I think that should be considered.

Sen. JACOBSON: Senator, do you think that the state should each week put out its prediction cards so that there will be some way for the uninformed having a more even chance?

Sen. BOSSIE: I do. Now if you notice on Wednesday or Thursday in the paper, Jimmie the Greek was run out of Nevada where gambling is legal, and they do post the odds for the coming week and this is, I'm sure, how they do it. As I say, with the help of the Sweepstakes Committee or a commission looking into the matter they could find a fail-safe system of doing this in which the people who are informed would have a chance.

Sen. JACOBSON: Does Jimmie the Greek follow the New Hampshire team the Saint Anselm's team?

Sen. BOSSIE: I don't know.

Sen. SANBORN: Senator, from everything I've heard here today, nobody seems to have any idea whether this actually would bring us in any money or not.

Sen. BOSSIE: Not from the testimony that you have heard but I think that it would be a pretty sure bet.

Sen. SANBORN: Well, from everybody's just guessing, whether this would bring in any money or not, don't you think it would be better if the committee spend a little time and a little study on this and come in here with a few facts and figures instead of plain guess estimates?

Sen. BOSSIE: Well, I think that we should refer this to the Sweepstakes Commission and I'm sure that they would not effectuate this program, unless it was going to be financially sound.

Sen. BLAISDELL: Is is my understanding that this bill doesn't direct the Sweepstakes Commission to implement this bill but just to look into it and see if we can make a profit. I think this is the way it was brought out in committee and this is the reason that I voted for it, was because they said they didn't want it at this time but they thought it was a good idea and probably it would be something we could do later on.

Sen. BOSSIE: You are correct. This is permissive legislation. This permits them to do it if they find that everything is right with it. If it's going to be a losing proposition I certainly wouldn't want the state of New Hampshire to engage in it.

Sen. SMITH: Don't you think there's a relativity here about profit and loss? Don't you think it might be more advan-

tageous if we made the determination as to whether we felt it was profitable after evidence was brought before us rather than to assume that the Sweepstakes Commission was only going to operate it if it were profitable.

Sen. BOSSIE: I believe that we have given them the chance and expertise as of all Sweepstakes operations and I think we should do it here. I believe we of course have the right and the obligation to look into it. But I think we can confer this power on them to look into it.

Sen. TROWBRIDGE: Senator Bossie, I'm just a little confused here. On this amendment it says, "shall". Now in answer to Senator Blaisdell, this bill with the amendment would still compel the Sweepstakes Commission to do it. Now I can't square your answer with that language.

Sen. BOSSIE: Well, Senator, if you notice in the bill, it doesn't say by a certain time, this was a given leeway to let them do it at their discretion, leisure and when they have all the facts. If you'd like to insert in there exactly when you'd like them to start, you're okay with me.

Sen. FERDINANDO: I'd like to ask a question here as to how much money this could mean. I'm convinced that this could mean as much as a million dollars a year. Because this is a very big business whether you realize it or not. I know that in the city these cards are very popular and have been for a long time because there's a substantial amount of profit and it could mean that much money to the school system.

Sen. GREEN: If we pass this is it understood that this would be referred to Finance?

The CHAIR: It's the intention of the Chair to refer this to Finance if amended.

Sen. GREEN: In past occasions usually if they were going to finance it, they would be referred to Finance on a vote.

The CHAIR: But there is an amendment first.

Amendment Adopted. Referred to Finance.

VACATE

Sen. Bradley moved that HB 547 referred to Judiciary be vacated and referred to Ways and Means.

Adopted.

SPECIAL ORDER OF BUSINESS 1:01

HB 261

to provide for a uniform fire and safety code applicable to all towns and village districts of the state. Ought to pass with amendment. Sen. Jacobson for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to provide for a uniform fire and safety code applicable to all towns and village districts of the state and to provide construction standards for certain public buildings.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Construction Standards. Amend RSA 155-A:1 by striking out said section and inserting in place thereof the following:

155-A:1 Construction Standards. All new buildings constructed by the state or any of its agencies, and all new schools, halls, theatres or other public buildings in this state in which more than one hundred people can be assembled shall conform to standards not lower than those established by the "National Building Code", 1967 Edition, and amendments thereto duly adopted, except that standards, including definitions, not lower than those established by the "Life Safety Code", NFPA Doc. No. 101, 1970 Edition, and amendments thereto duly adopted, shall take precedence over all provisions of the "National Building Code" respecting means of egress. Amendments to said codes shall take effect only after being adopted in accordance with the procedures for promulgating rules and regulations by the state fire marshal as set forth in RSA 153:5.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: Mr. President as the Senate will recall HB 261 came under a number of questions at the meeting held in Keene. The committee on executive departments of municipal and county governments did meet with Mr. Whitney the fire marshal. Now with respect to the body of the bill it is as

stated permissive legislation. The towns may adopt bylaws regarding the fire code of to public buildings. This means then that local officials will do the inspection. However, if a town chooses not to adopt bylaws then the inspection will come under the control of a fire marshal's office. The next question is with respect to the Life Safety Code. This is the code that was drawn by the National Fire Protection Association of Boston. Now this is the book with which the bylaws and the administration of the fire marshal's office shall conform to. In other words, this becomes the bible of the fire code if this is adopted.

Now the other question related to the National Building Code 1967 addition that is written by the National Board of Underwriters in New York and they also develop amended versions, new additions that come out approximately every five years and there should be one coming out very shortly. The question is that in some parts of this book, the Life Safety Code is more stringent than this book. So that conformity will come from relating to either one of these books. If nothing is said in the Life Safety Code then the other is your book. If nothing is said in either one then you make your own bylaws or regulations. And by the way the fire marshal's office under chapter 153 has power to make certain rules and regulations so that this book which appears to be the more stringent book is the one that will take precedence whenever it is not in conformity with the National Building Code Book. Otherwise the National Building Code Book will take precedence. The question was raised in regards to nursing homes. Nursing homes come under much more stringent regulations than either of these. Those are the questions as I recall them that were asked. I'm not an expert in this and Sen. Brown has also offered to answer any questions with regard to these books since he has especially dealt with the blue book.

Sen. SANBORN: You said, I believe, that a town was required if they wanted to adopt this, required to adopt this if they wanted to or not, my question is this. If the local fire department has already been established under the RSA 154 would this be automatic? Or would they have to go into the next town meeting with an article in the warrant?

Sen. JACOBSON: The responsibility for the adoption of bylaws is a town meeting function. And the town will have to

first approve the bylaws and then the fire protection agency of the town will then administer it.

Sen. SANBORN: If you were already organized under 154-155 would this change become automatic?

Sen. JACOBSON: If you had already adopted bylaws under 153-155 you simply have to conform to the new law as established. That's correct.

Sen. BRADLEY: The law is a little bit skeptical that you can legislate in this manner of saying that the higher standing of the one shall prevail over the higher standing of the other. For example, suppose in one of these codes, I think there is a provision dealing with the width of a stair step in relation to the height of a stair step, it's one way in one book and one way in the other. Who's to say which is the higher standard and which is the lower standard? It just happens that they are different. I'm not sure there is such a conflict but whenever you have cases like this I think the potential for that kind of conflict is there and I don't think you resolve it by saying that the higher standard shall prevail.

Sen. JACOBSON: Well, Senator in response to your question it is very difficult to quantitatively define a condition in the statutes. It can only be descriptively defined and so the judgment of those who have greater expertise than I have, have made a judgement in this book, so that in that instance the judgement of this book would be the judgement that prevails. And may I also say that it is not an uncommon situation to speak of minimum standards and maximum standards in statutes because we have minimum and maximum in many areas.

Sen. SANBORN: The only thing I'd like to say Mr. President is, in actuality this new fire code, that they showed you in the green book is an instrument that many of the small town fire departments have been working for years to get out of the state fire marshal to give us some kind of rules and regulations whereby we could, we already have the power, but a guide to go by in respect to the inspections of public buildings. This is a good guide and I recommend this to fire chiefs throughout the country. And I am in favor of this bill.

Amendment Adopted. Ordered to third reading.

HB 95

requiring distribution of a list of family planning agencies

and services available in New Hampshire with the issuance of every marriage license.

Sen. Porter moved that HB 95 be made a Special Order of Business for tomorrow at 1:02.

Sen. PORTER: Mr. President, I move that HB 95 be made a special order of business tomorrow at 1:02. As HB 95 was inadvertently left out of the Calendar as a special order of tomorrow and the hour being late.

I would just like to explain that HB 95 is a bill that was reconsidered by the Senate after being killed. It deals with a mailing list of Family Planning Services providing a list with marriage license issuances.

Adopted.

SPECIAL ORDER OF BUSINESS FOR 1:02

(Sen. Preston in the Chair)

HCR 10

Commending the President, Richard M. Nixon for his successful effort in bringing the Vietnam war to an end.

Sen. POULSEN: Mr. President, that resolution only commends President Nixon for his effort in ending the Vietnam War, and that the Senate and House of Representatives notify him of this fact and send him a copy of commendations. I hope we'll go along with this in that it will not be strangled with any amendments that would detract from it.

Sen. FOLEY: Yesterday, I listened to an old record of Edward R. Murrow entitled, "You were there." One of the memorable excerpts was the radio announcement that World War II was over. Japan had conceded. It was over and we were victorious. And even with an old record player and a scratchy needle, yesterday I experienced some of the same emotional victorious feelings that I felt originally back in 1945. Now we see the end of a Vietnam Conflict . . . the longest in our history. It was a non-declared war that had political overtones. It was used in far too many camapigns for far too many years. It spread through the terms of four presidents. And now it's over in Vietnam and we are grateful.

It was too long, and for many peace came too late. I com-

mend the president for finally making the successful effort. He did it. I do not take it away from him. But, I should like to say that I had no such emotional victorious feeling when Mr. Nixon announced the end of the war. It was more of a drained, empty feeling. For me, the only emotional, happy part of this entire procedure is that of the returning POW's. It's the only warm part of the terrible conflict of the last dozen years. . . . The few lucky ones who have been released and have come home. Indeed, we welcome them. Looking through recent congressional records, I noted the following . . . Letters from veterans put into the records . . . letters from Vietnam Veterans . . . happy for the POW's . . . not really bitter . . . and yet the stark cold questions that they were posing . . . I came home . . . one leg amputated . . . both arms . . . both legs. . . I am having a problem . . . I am having a problem getting work even though I have a degree . . . Can you help me, Mr. Congressman or Mr. Senator? No one welcomed me home like this. No one ran to give me season tickets to pro games . . . am I less of a hero? I cannot feed my family on my disability. Can you help me? In this regard, the latest VFW bulletin warns all veterans that there will be one hundred and sixty million dollars in cuts for the VA and there will be closing of VA hospitals throughout the country. Where can they turn? What is the answer?

In addition, in our relief that our military are leaving Vietnam, we are still reminded that while we claim victory, North Vietnam is also making the same claim. They feel that they have won the war. And we must remember that a figure of over two billion dollars is being bandied about to be sent to North Vietnam during the next four years. Did they really lose? An honorable settlement has concluded America's part in the Vietnam conflict. The logical result of such a settlement, I thought, would be a substantial reduction of funds and expenditures for that area and the moneys that had been applied to the Vietnam conflict would now be directed toward critical domestic needs.

This does not seem to be the direction in which we are headed. We are spending untold amounts of money daily in our bombing of Cambodia. Every day that the U. S. Government continues to bomb Cambodia, we are violating the January Cease Fire Agreement, the Paris Accords signed in March, and our own constitution. How can we possibly claim to be living

up to the agreement while our B52's bomb Cambodia more heavily than ever before during the whole war's course? We are not bombing to protect our men in Vietnam . . . virtually all of our U. S. air and naval units that were in Southeast Asia before the ceasefire are now in Thailand. Peace for America does not reign in Cambodia. I am fearful of what can result if this action continues. We seek answers and I hope that we will get a response on these questions. But, with all of these unanswered queries and problems, the fact remains . . . our military is home from Vietnam. President Nixon completed successful efforts in bringing the Vietnam conflict to an end and I commend him for his efforts.

Sen. Spanos offered the following amendment.

Sen. SPANOS: Mr. President, I'm offering an amendment which I think all the membership has. Basically, the amendment that I am offering commends President Nixon for ending the American ground participation in Vietnam and goes on to say that we see an analogous situation arising in Cambodia, with logistical materials support for another military dictatorship. And what we are in fact saying is, yes, Mr. President we do commend you for ending our involvement in South Vietnam, bringing our POW's home but that we hope that we will not become mired in Cambodia. We have incidentally, no commitment to the government of Cambodia, one way or the other. No written, no oral, no commitments to that government. They were not part of the CO Treaty. Sen. Hatfield that other day indicated that he was very concerned that what is transpiring is the same situation that involved us in Vietnam. And he's hoping that we do not become involved in Cambodia as we did in Vietnam.

Almost everybody admits today that the Vietnam War, the Southeast Asia as a strategic, viable entity and on behalf of the best interest of the United States it is not a fact and I cannot see why we are continuing our efforts in Cambodia. Our boys are home. There's no reason to bomb now. We are not protecting them so I'd like to get this point across to the President that we want to commend but at the same time we want to say, let's not let it happen again. And I urge the adoption of the amendment.

Sen. LAMONTAGNE: Sen. Spanos, why couldn't this be a resolution drafted by itself instead of amending this resolution?

Sen. SPANOS: I submit it's very analagous and very germane to what is transpiring. There are many of us who feel very strongly about this matter when we commend the President we also have some reservations about it. I can not unequivocally support a resolution without some reservation in it about the future and that's why I suggested the amendment.

Sen. LAMONTAGNE: Senator, don't you feel that if a resolution separately from the resolution now pending that it would have more meaning and more effect if you had a separate resolution?

Sen. SPANOS: I don't feel that way Sen. Lamontagne. I feel it would have greater impact were it made part of the resolution that was adopted by the House because obviously he receive a record of it and I understand that there were some people who commend him for the ending of the involvement in Vietnam but we also say we don't wish to become involved in Cambodia. I think it's more powerful on this route.

Sen. POULSEN: Mr. President, I rise in opposition to this amendment. Not that I quarrel with the gist of the thought but what we are doing here is thanking President Nixon for what we consider a job well done. As well done as anyone could do. He has gotten the troops out of Vietnam, he's got the prisoners home. I think he deserves a vote of thanks. This in some ways is similar to eating dinner at someone's house and thanking them for dinner and then telling them they ought to fix the driveway. I am perfectly willing that there be another resolution, but I think this one should stand on its own merits. I don't think we should put any qualifications on this.

Sen. S. SMITH: Mr. President, I rise in opposition to the amendment, in favor of the resolution. I agree with what Sen. Poulsen has said but further there is a concern to all of us in the involvement and the potential involvement of Cambodia and Laos. I hope the President of the United States can keep a peace in the Indo-China area but I think this type of resolution is the type which can encourage dissension and greater dissension in this country. As the President has been given a free hand by the 1972 election, the war has wound down rather rapidly. I think by supporting his actions the intent which he has made in bringing peace to Indo-China, I think this amendment will juggle that situation. The game, if you want to call it that, of international relations is a very tricky one. It's one

in which we don't all know until after the fact the why's and the wherefore's. I think it has been brought out clearly that the dissension and lack of support has if anything lengthened the war in Vietnam. For these reasons I hope that this amendment will not be adopted.

Sen. SPANOS: Sen. Smith, aren't you afraid that if a resolution of this nature that was originally offered by the House is adopted, will it or will it not serve to make the President even more forceful and adamant about his righteousness in the Vietnam War and then use that as a springboard towards future policy matters with Cambodia? Doesn't this strengthen his stand?

Sen. S. SMITH: I think it does strengthen his stand but I think his stand has been one where the interest over the years has been to get out of Vietnam and to wind down the war which he has successfully accomplished. I think by raising this issue, all it does I think, is given some opportunity for people who are not friendly to this nation to encourage them.

Sen. LAMONTAGNE: Mr. President, and members of the Senate, I hate very much to have to oppose the amendment and the main reason why that I want to appeal that this amendment should be left alone and I feel that the proposed amendment being made by Sen. Spanos, that it should be a separate resolution so that the resolution should be sent to our delegation in Washington, United States Senators and Congressmen. I think that your amendment to the resolution would have more effect and that's why I'd rather see this resolution now or President Nixon left alone and for you to submit another resolution, which I would support.

Amendment lost.

Adopted. Referred to Resolutions.

Sens. Bradley and Foley wished to be recorded as voting in favor of the amendment and in favor of the resolution.

COMMUNICATIONS

April 3, 1973

The Honorable David L. Nixon
President of the New Hampshire State Senate

Dear Dave:

Yesterday the Senate referred the resolution of the General Court of New Hampshire on Vietnam to the Armed Services Committee. The resolution has been printed in the record and I have enclosed a copy.

As a member of the Armed Services Committee, I can assure you that I will watch the progress of the resolution, carefully.

With best personal regards.

Sincerely,

Thomas J. McIntyre
United States Senator

Tuesday, April 17, 1973

To: New Hampshire State Senate

Dear Friends:

Thank you all very much for your many kind notes, flowers and words of encouragement.

But the beautiful vase of long-stemmed American Beauties did wonders for my soul! They are still lovely and again, thank you all!

Sincerely,

Millie Claveau

To the members of the Senate:

This is a belated thank you but I want you to know how much my family and I appreciated your generous contribution at the time of the death of my husband. You were most kind.

Liliane Brummer

Sen. Foley moved that the rules of the Senate be so far suspended as to allow that the business in order at the late session be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow at 1:00 p.m. and in honor of our returned prisoners of war.

Adopted.

LATE SESSION

Third reading and final passage

HB 195, relative to semi-annual collection of taxes in cities and towns.

HB 338, authorizing cities and towns to make payment of relocation assistance.

HJR 14, relative to a supplemental appropriation for the board of nursing education and nurse registration.

HB 383, relative to filing a report of catch of fur-bearing animals.

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire.

HB 356, relative to abandoning animals.

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the state.

Adopted.

Sen. Johnson moved the Senate adjourn at 4:26 p.m.

Wednesday, 18Apr73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord God, who has given unto us the heritage of this land, may we remember this Holy Week Thy suffering and death for our salvation.

Give unto us courage to go forward when life seems difficult and our goals so far away.

Send Thy Spirit upon us and instill within us a new and lofty patriotism, and a greater love for Thee, as we perform our duties, that Thy Will may be done. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by former Senator Nathan A. Tirrell, former Clerk of the Senate Benjamin F. Greer and former doorkeeper Merton Webber.

RECONSIDERATION

Notice of Reconsideration of HCR 6 by Sen. Preston.

The CHAIR: The Chair would announce that Sen. Brown is replacing Sen. Porter on the Committee of Conference on HB 43.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 132, to exempt nonprofit health care facilities from provisions of the fair trade law. (Green of Dist. 6; Bradley of Dist. 5 — To Public Health, Welfare and State Institutions.)

SB 133, making a supplemental appropriation to the New Hampshire Racing Commission for harness racing. (Ferdinando of District 16 — To Finance.)

SB 134, relative to insurance holding companies and regulating the use of company names. (Spanos of Dist. 8 — To Banks, Insurance and Claims.)

SB 135, requiring certain coverages at the option of the insured to be included in standard fire insurance policies. (Preston of District 23; Blaisdell of District 10; Brown of District 19 — To Banks, Insurance and Claims.)

SB 136, validating permits issued to carriers by the public utilities commission under the "grandfather's" clause. (Lamontagne of District 1 — To Public Works and Transportation.)

SB 137, establishing a State Historic Preservation Office; and making an appropriation therefor. (Smith of District 15 — To Executive Departments, Municipal and County Governments.)

SB 138, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts. (Smith of District 15 — To Banks, Insurance and Claims.)

SB 139, permitting patients at Rockingham County Home and Hospital to fish without a license in waters on the property of said institution. (Foley of District 24; Preston of District 23; Sanborn of District 17 — To Recreation and Development.)

SJR 11, relative to retirement credit for Kenneth Lewis. (Lamontagne of District 1 — To Banks, Insurance and Claims.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 560, relative to the investing of state funds. Banks, Insurance and Claims.

HB 352, relative to statewide school food and nutrition programs. Education.

HB 309, relative to the confidentiality of business profits tax records. Judiciary.

HB 579, relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents. Judiciary.

HB 628, relative to the use of illegal inspection stickers. Public Works and Transportation.

HOUSE CONCURRENCE

SB 79, appropriating certain funds held in escrow by the department of resources and economic development.

RECESS

OUT OF RECESS

Introduction of Col. Paul Doyon, Director, State Police to speak on the duties of the State Police.

INTRODUCTION

Sen. NIXON: We have with us today the Director of the Division of State police, Colonel Paul A. Doyon of Goffstown, New Hampshire.

The Colonel is a New Hampshire native having married a Manchester girl twenty-four years ago. His family has been blessed with six children — three boys and three girls, ranging in age from five to twenty-three.

In less than two months, he will have completed twenty years of service to law enforcement. He began his career as a patrolman in the Manchester Police Department in June of 1953 and was later accepted as a trooper in January of 1955. During these past eighteen years, Colonel Doyon has served in all capacities within the State Police from Trooper to Captain. In November of 1971, he was nominated and unanimously confirmed by the Governor's Council as the fourth director in the history of the State police. Interestingly, he is the first director to have risen from the ranks during the thirty-six year history of the department.

This man is a graduate of the State Police Staff and Command College, the Royal Canadian Mounted Police Academy, the Federal Narcotics Training School, and has completed credit courses at the University of New Hampshire and Saint Anselm's.

Without further fanfare, I take this opportunity to introduce Colonel Paul A. Doyon, Director, Division of State Police.

COL. DOYON: Mr. President, Mr. Vice President, Honorable Senators, Ladies and Gentlemen, it is indeed a high honor for me to be present here today in response to your kind invitation to address this august body.

My emotional impluses are many; however, to stand here as the representative of 229 completely dedicated state employees is in fact a touching moment for me.

Historically, the New Hampshire State Police was created by legislative action and commenced providing a statewide service on July 1, 1937. The allotted compliment of 44 officers was etsablished by combining the State Investigators' Division of the Attorney General's Office and those Motor Vehicle Inspectors who elected to serve in the new department. We were allocated 13 civilians as support personnel in this pilot endeavor.

These past 36 years have borne witness to many changes within the ranks and areas of responsibility shouldered by the

Troopers. However, one significant factor that has not succumbed to change is the caliber and quality of the employee, who is the State Police.

A majority of the original employees completed careers in our service. As of today, within our ranks, we still cherish the services of Lt. Edwin Waters and Mrs. Edna Burleigh Bailey, two of our originals. "Mustangs."

These employees, who are joined by 227 similarly dedicated people, provide a level of service that proves we care.

On January 1, 1962, the State Police became a division of the Department of Safety. During the span of this past decade, our resident population has increased approximately 22%, our registered motor vehicles have increased approximately 70%, however, the State Police Traffic Bureau strength has only increased approximately 35%. Thus, these facts reflect one of the priority areas.

The division of State Police is the State's principal law enforcement agency. We are a completely mobile force of both uniform officers and detectives. There are 181 police employees that include 152 uniform, 18 detectives, and 12 federally funded people (11 police and 1 civilian) in the Alcohol Safety Action Project. In addition thereto is a 50 man volunteer auxiliary. There are also 47 civilians in Administrative, Clerical, and Technical positions.

The organization of the State Police includes the Traffic Bureau, Detective Bureau, and Communications Bureau. We are divided, for administrative purposes, on military lines, strategically placed in geographical areas in the State by troops. Members of the division are vested with full police authority statewide, with their jurisdiction partially limited to towns of 3,000 population or less.

The mission of the State Police is to patrol the highways, enforce the traffic and criminal laws, assist other law enforcement agencies, towns, counties, cities and the federal government and to provide for:

1. Protection of life and property
2. Prevention of crime
3. Reduction of the traffic accident rate

4. Detection and arrest of those who commit crime

In addition, the State Police is a service organization that provides various police services to other law enforcement agencies including training, communications and crime records. We maintain a statewide system of criminal identification and crime records, a scientific criminal laboratory and provide various technical investigative aids to all law enforcement agencies in the State including polygraph, photography and video.

TRAFFIC BUREAU

Number of employees — 164 F 73 Budget \$2,514,800

The uniform branch of the State Police is completely mobile and is divided into seven troop areas located geographically throughout the State. Each troop is commanded by a Lieutenant and staffed with an appropriate number of uniform troopers commensurate with population, traffic flow, accident and crime rate. All patrols are maintained a minimum of nine hours per day, seven days per week. Where personnel are available some coverage extends to eighteen hours per day. These nine hour patrols are covered on an "On Call" basis, sick leave and annual leave notwithstanding.

DETECTIVE BUREAU

(Detective — Narcotics — Intelligence)

Number of employees — 30 F 73 Budget \$435,900

The Detective Bureau is primarily the criminal investigation section of the State Police. It is broken down into six separate units for administrative purposes: The Investigative Unit (Criminal and Drug), Crime Laboratory Unit, Technical Services Unit, Special Investigation Unit, Reports and Records Unit, and License and Permit Unit. Also in the investigative area, the bureau assists, on request, any federal, state, county or local law enforcement agency by support personnel in the investigator, crime laboratory, and technical service fields.

COMMUNICATIONS BUREAU

Number of employees — 23 F 73 Budget \$405,700

The Communications Bureau of the State Police provides engineering, maintenance, installation and service of all com-

munication equipment for state agencies and a substantial number of local police departments throughout the State. This section maintains approximately 2,700 pieces of communications equipment for both state, county, and local agencies inclusive of permanent base stations and mobile units.

A S A P

(Alcohol Safety Action Project)

Number of employees — 12	72 Budget \$262,784
	73 Budget \$191,354
	74 Budget \$191,854

A federally funded project whose primary mission is the identification and apprehension of drunken drivers.

The State Police have directed their total effort to reducing traffic deaths and curtailing drug trafficking. Their efforts are best illustrated by the three programs we have undertaken.

1. Unmarked patrol vehicles
2. Alcohol Safety Action Project
3. The creation of a drug unit in the detective bureau

The fatality rate in calendar 1972 has been reduced 17% as compared to calendar 1971. To date, as they relate to the same period last year, there is a 24% reduction in highway deaths. The alcohol impaired driver, who was involved in 54% of all traffic deaths during 1971, is being identified, apprehended and prosecuted by the State Police at an increase of over 300% from last year with an amazing 97% conviction rate.

Drugs continue to be a problem and, although there have been no major sources established within the state and no organized criminal involvement, the demands upon the small unit of undercover troopers increases daily. Their efforts have been responsible for the arrest of over 80% of the drug sellers in the state.

Many small police departments in the State have neither the manpower, equipment or facilities to undertake all the technicalities of investigation. Specialization has become standard in the police service and it is the responsibility of the State to provide these services continually. Through planning

and research, the State Police will keep abreast of the advances in the art.

Our limited access highways, where the casual traveler is a captive motorist, needs patrols that are less than 42 miles in length in one direction. Twenty-four hour patrols on all interstate and toll roads are an absolute requirement in order to provide for the safety of the motoring public on these roads.

Present headquarters facilities of the State Police are so overcrowded that filing cabinets are stored in corridors and the detention facilities are packed with equipment. In addition, the field force of seven troops all are functioning in totally inadequate leased facilities and are understaffed administratively, requiring field supervisors to perform the clerical tasks.

The problems of the State Police are identified in three words as they suffer a poverty of —

1. Salaries
2. Manpower.
3. Facilities

Nowhere does state government get so much for so little with the dedication, loyalty and professional competence of the State Police working under the most hazardous of conditions.

Sen. DOWNING: Colonel I wonder if you might tell us what has been the success of the breath testing on the drunken driver and his record of convictions specifically?

COL. DOYON: The breath taking device, known as the breathalyzer, was implemented by both branches of our legislative system. Under the auspices of the Alcohol Safety Program, with appropriate funding, a long series of training sessions were established to train police officers from all levels to become competent operators. The reduction of the blood alcohol from .015 to 1.0 was also a factor that one must consider in response to your question. The instrument, in its application to the testing of those suspected of operating their motor vehicles under the influence of liquor and who have been arrested for same, has been a boom to the enforcement system in New Hampshire. In that it provides two instant vehicles within a framework of some thirty minutes normally from the time of

an arrest. 1. It presents an accurate and evidentiary supported whether alcohol really was the suspect. For better or for worse. Either for his favor or against him. And if it is in his favor the man is then released and not held for a span of time but allowed to go on his way with proper transportation provided for him, rather than being held in a detention center. The conviction rate, I was unable to obtain those statistics this morning although I endeavored to do so. I can only address myself to the conviction rate of our department, Senator. But I understand that it is in the vicinity of 88 or 90 percent, but I am not sure.

Sen. POULSEN: Colonel I have a letter to date from one of my constituents in Conway commending the action of your Mod Squad. Would you care to comment on the effectiveness of this?

COL. DOYON: Yes sir, we've tabbed it as a Mod Squad group because that is what television has identified as the undercover police agent, so the long hair, the dirty beard, the ragged clothes and the flashy sportscar. Well, we have exactly that. You may be interested to know that in this type of police investigation there are many facets that go unknown and we are so far removed from the television drama of Mod Squad, that there is really no comparison after you look at both the character and the true-life person. Unfortunately we don't solve our cases in an hour. These men, all of whom have been volunteers, or have been selected and then volunteered because they seemed to present what to us is the ideal person within our ranks age-wise, stamina-wise, physical ability but yet above all a desire to become involved all contributed to their identification and selection. These men work in the vicinity of eighty or ninety hours a week. For the life of me I can't understand how they stay married. Since 1968, when we truly became involved with this type of operation we've only had one man suffer a divorce. They are a completely dedicated group, they're on the go day and night. They live a rough life and I'm sure they do some things that if they were to confess to me on a daily basis would be direct violation of our rules and regulations. But quite frankly, I choose not to know these little intricacies of their operation. If they become involved within the framework of street life, they've been extremely successful and our mission in total is not to apprehend the user of narcotics or controlled drugs but to arrest and identify the drug trafficker — the seller, and his source of

supply. And to date, we've had reasonable successful strides in this area in cooperation with other areas of law enforcement. To the point that you'll read in this evening's paper, we've just completed another series of successful raids that were warned by the undercover agent this morning in a northern sector of our state. We were assisted by all levels of law enforcement in that area.

Sen. FERDINANDO: I believe I discussed this with you once before and maybe you can explain to the Senate how this alcoholic team works. Especially in view of how the owner of an establishment feels when he sees his customers aren't coming back to him because their tags have been reported or recorded having been there at 1:00 in the afternoon, followed when they leave at 6:00. His concern would be that's bad for business. Now I'm just wondering if you might be able to elaborate on this a little bit, for a better understanding.

COL. DOYON: I'm pleased that you asked that question because you've brought something out in the open that I've been attempting over the telephone and in private conversations to learned people in one area of the state in particular to change their viewpoints. And I'd like to address myself to one portion of your statement before I respond to your question. And that is the recording of license numbers of people who perhaps may be spending time in drinking establishments. Nothing could be further from the truth. Our men have been accused of that, in isolated instances in this Outlaw Safety Action Squad. All of these men were initially veteran police officers and at the present time about sixty percent of the squad represents the veteran officer in our department. I talked with these men because it distressed me to hear, if you will, innuendoes that alluded to that fact that we were doing this because it does not behoove good police practice in my view. I have complete assurance from these men, and in particular, their supervisors that this is a practice that is not being done. I believe them right to the last statement that they've made. However, they have apprehended an awful lot of drinking drivers. I wish I had my statistics with me today to inform you of that. If memory serves me correctly in approximately one year they've been in operation they stopped over 11,000 cars, for one reason or another, for a safety check, for violations of the rules of the road, etc. of which some eight hundred were arrested and

charged with driving under the influence of liquor. We've worked from Coos to the Sea, and all over the state and in some of the more urban, tourist attraction centers the business community has reflected a loss of revenue in the sale of alcoholic beverages over the bar. Particularly in those times when the squad has been there. This has only been caused, I feel, by total public awareness. Perhaps, two-pronged — one of which is the threat of getting arrested, which involves more than just a physical arrest, coupled with public awareness of the seriousness and the danger involved in operating your motor vehicle in this condition. Within the past month I was called to Conway by the police commission and a group of businessmen in the community. Unbeknown to me the meeting was public and some thirty-five to forty people were in attendance. For about one hour and forty minutes there was a two-way exchange of questions and answers. Five people out of those present raised the majority of the questions. The substance of what they had to say was they lost money and it was our fault. I must admit I didn't agree with them but I did sympathize with them. As the people left three of them came up to me individually and said something to the effect, thank you for those who spoke don't necessarily reflect the views of everybody here today, keep up the good work. And I have since gotten letters saying the same thing. The squad has worked in every community that had an organized police department, with local police officers who get paid \$5 an hour for part time involvement. It's been reasonably successful. I would like to think and I do believe that we are operating on the highest scale of professionalism that we can put together.

Sen. CLAVEAU: How do we compare with our neighboring state as to the number of troopers per mile on our State Highways?

COL. DOYON: I heard your question Senator, I'm trying to go through my mind because last fall I prepared a graph that had all those comparisons of New England and for the life of me I can't remember how we compare except our troopers have more miles per man to patrol, which is 135 miles per, than any other state in New England, that doesn't even come to 100 if my memory serves me. However, in the same breath perhaps I shouldn't go this far, but we also have less fatalities per

trooper than the other New England states. And I think this speaks for the caliber of guys out on the road.

Sen. BRADLEY: I'm interested in the records that might be kept by your department when a person is under investigation for suspicion of some crime, and the investigation never leads to anything. No arrests, no charges and everything is dropped. Can you tell me in respect to such records if there are such things, who would have access to them? Are they ever destroyed? Are such records reported to any other agency?

COL. DOYON: Whenever we conduct an investigation, that a lot of people come under the umbrella of this investigation or if we identify certain people as suspects but never gather sufficient evidence to warrant prosecution, the investigator's responsibility is to document his work volume. This becomes part of our official records at headquarters. Under the authority of the statute I can refuse to disclose any of this information to people that I feel are not authorized to view it. Within the framework of our department, men have access to those files once they're reviewed by the detective commander to be sure there is nothing highly confidential that shouldn't be dispensed to anybody. Under normal circumstances, addressing my response to your series of questions, if it involved a man being a suspect in a crime, but he was never charged, and ten years later he became a suspect again, whether he was charged or not, an historical search by name would reveal the existence of that report by number and it could be retrieved for review to see if there's any informative data in that file that may assist in the new investigations. However, those files would not be open to anyone outside of the criminal justice system and that would be on a need-to-know basis.

Sen. JACOBSON: I'd like to ask you a question as a selectman. We have as you know a full time police force in New London and I have noticed even before I was the selectman, and I noticed the other day that our police are patrolling 89. Last night I noticed State Trooper 407 was patrolling the main street in New London. Now it seems to me we ought to let the State Police patrol 89 and let the local police patrol main street New London. Now, I don't understand that incongruity.

COL. DOYON: Now I think the end of your statement would be a perfectly agreeable scheme. Not being aware of all

the circumstances that might have brought this about I offer to you a possible solution. We do patrol interstate 89 on an eighteen hour a day basis. We only started that as you probably know, twelve months ago when we got additional positions from the special session. As to the patrolling of the Main Street of New London, I would like to think that the trooper in going back and forth might have been looking for someone because we have more things to do than to patrol the Main Street of New London looking for violators, if you will. He may have been going from the court, but if he was going back and forth that would be the only possible solution that I can think of. But I agree with you it should be the reverse on a continuing basis until something comes along that would require their presence.

THE STATE OF NEW HAMPSHIRE

SENATE CHAMBER

Know all men by these presents that,

Whereas, Colonel Paul A. Doyon of Goffstown, New Hampshire has devoted his life and talents to a distinguished career in law enforcement, beginning as a Patrolman with the Manchester Police Department in 1953, acceptance as a New Hampshire State Trooper in 1955, and promotion in all capacities and ranks with the New Hampshire State Police from Trooper through Captain, culminating in his nomination and unanimous confirmation as the fourth Director of the Division of State Police for the State of New Hampshire, in 1971; and

Whereas, Paul A. Doyon is the first Director of State Police to have risen from the ranks during the thirty-six year history of the New Hampshire Division of the State Police; and

Whereas, in the furtherance of his professional education and career, he has graduated from the State Police Staff and Commnad College, the Royal Canadian Mounted Police Academy, the Federal Narcotics Training School, and has completed credit courses at the University of New Hampshire, and at Saint Anselm's College; and

Whereas, in particular, he is this year completing twenty years of dedication to the highest principles of law enforcement and public service for the benefit of the State of New Hamp-

shire, and its citizens, having at all times exemplified and personified the highest and best characteristics of his honored profession, this

CERTIFICATION OF COMMENDATION

is hereby presented to

COLONEL PAUL A. DOYON

Goffstown, New Hampshire

at a ceremony conducted in the Chamber of the New Hampshire State Senate, as evidence of the high regard and esteem in which Colonel Doyon is held by the New Hampshire State Senate.

HOUSE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the state and to provide construction standards for certain public buildings.

COMMITTEE REPORTS

HB 72

relative to requirements and prohibitions for county officers and employees. Ought to pass with amendment. Sen. Johnson for the Committee.

AMENDMENT

Amend RSA 30-A:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

30-A:1 Personal Use of Prisoners Forbidden. No county officer, employee, or agent thereof shall use either directly or indirectly the services of a county prisoner or other county employee except for county functions. Anyone guilty of violating this section shall be imprisoned for not less than one year and a day or more than three years in the New Hampshire state prison, and said sentence or any part thereof shall not be suspended by the superior court, the provisions of RSA Title XLII, notwithstanding.

Sen. JOHNSON: The amendment to this bill is on page 63 in the Calendar. HB 72 was amended to change the requirement from prohibition for county officers and employees. And it states that no county officer or employee may use the services of the county prisoner or employee except for county functions. The second section prohibits the use of county credit, and county vehicles for private use by county officials.

Sen. BRADLEY: Sen. Johnson, has the part of the original bill about mileage allowance been stricken?

Sen. JOHNSON: That was stricken. That was a House amendment.

Sen. BOSSIE: Mr. President, I rise in favor of the amendment as well as the entire bill. HB 72 was sponsored by Rep. Chris Spirou of Manchester's Ward 3 as a part of Dist. 20. Now his bill was a result of certain problems that arose in Hillsborough County and certainly it has an effect on the rest of the state. From the description and from the actual bill one can see that it is quite inexcusable for county employees or any employee of the subdivision, to use either county property, or credit or state credit or state property for their use. It would be just like State Senators having state plows to come drive out our driveways. This just should not be permitted. The amendment as proposed by the committee is well thought out and closely defines what exactly may be used. And this is a restriction as to use of county functions, such as if the House of Correction needs cleaning, even though it's for a private individual employee by that subdivision, it still can be done.

So, the purpose of the bill is important, the need is important and I ask your concurrence.

Amendment Adopted. Ordered to third reading.

(Sen. Jacobson in the Chair)

Sen. JACOBSON: At this time I would like to introduce the New Hampshire Chairman of the Bicentennial Revolution Commission, Dr. J. Duane Squires and his wife Katie.

Report on the Bicentennial Commission was given by Dr. J. Duane Squires.

DR. J. DUANE SQUIRES: Mr. President, Honorable Members of the Senate, Ladies and Gentlemen: Let me begin

by expressing thanks to you for the privilege of being here today. I speak not only for myself but for all the members of the New Hampshire American Revolution Bicentennial Commission. We believe that the Bicentennial observance of our state and of our nation is an important event in the history of the United States, and we are glad that you share this view.

As I note the handsome murals adorning the rear wall of this Senate Chamber, I am most intrigued on this occasion by the picture at my extreme left. It depicts an event of one hundred and ninety-eight years ago this week. For it was precisely one hundred and ninety-eight years ago tonight that General Gage sent his British troops across the Charles River in Boston to undertake the sixteen-mile march to Lexington, and from that place the additional five miles to Concord. On the 19th day of April one hundred and ninety-eight years ago tomorrow, the Revolutionary War began in earnest, not to be ended until six long years and six months had passed. On the 20th of April, 1775, one hundred and ninety-eight years ago this Friday, Colonel John Stark took the "Minute Men" from Derryfield to Massachusetts. There they were joined by hundreds of other ardent New Hampshire volunteers who had come by similar forced marches from their various home towns.

All this should remind us that the Bicentennial is now very close to us in this state and in this nation. In two more years it will be in full swing. And that is the first point I would make to you this afternoon. We are nearly at the beginning of an era in American history, such as has not been seen since a century ago, and such as will not be seen again for another hundred years.

My second point is that the General Court of New Hampshire is to be heartily thanked for its wisdom in setting up the Bicentennial Commission of this state when it did and in the statutory form that it did. We owe a great deal to the Legislature of 1969 for its foresight in drafting the law which created the New Hampshire ARBC. The specific objectives for our state observance by that law are set forth in concise form: *viz.*, (1) to recall the seizure of Fort William and Mary at New Castle in December, 1774; (2) to commemorate our state's part in the decisive Battle of Bunker Hill in 1775; (3) to celebrate the drafting of the first independent state constitution among the thirteen states in 1776; and (4) to honor the part played

by New Hampshire at the Battle of Bennington in 1777. And, after that, says the statute, to observe "... such other like events as the commission may determine."

As you know, the New Hampshire ARBC is composed of twenty-five members appointed by the Governor and Council. The Commission selects its own officers. On the Commission today are two influential former members of this honorable Senate: Creeley S. Buchanan and Mrs. Philip B. Holmes, both of Amherst. Also included on the Commission are three members of the present House of Representatives, Mrs. Anne B. Gordon of Jaffrey, Stanley A. Hamel of Seabrook, and John K. Gemmill of Hebron. Mrs. Gordon and Mr. Hamel are respectively Secretary and Treasurer of the Commission. Through these five persons we have close connections with the General Court, both past and present. Our remaining twenty members are drawn from many parts of the state, and represent an excellent cross-section of the people of New Hampshire. I am glad to report to you that they comprise a harmonious body of citizens, entirely unpaid, who meet regularly here at the Capitol to carry out their responsibilities.

Now, for my third point, let me tell you in a few words what we have tried to do in the months since our Commission was organized in June, 1970. We have a special committee on the Fort William and Mary incident, headed by Commission member, Mrs. David D. Merrill of Exeter. A carefully worked out program is being planned for late 1974. A second committee, chaired by Mrs. Philip B. Holmes, is cooperating with the Massachusetts authorities in planning for the commemoration of New Hampshire's part at the Battle of Bunker Hill, a battle, incidentally, in which nine-sixteenths of the American combat troops that day under Colonel Stark came from this state. We have a third committee headed by the Hon. Richard F. Upton of this city to observe the bicentennial of the first state constitution in 1976. A fourth committee, directed by Representative John K. Gemmill, will plan for the 1977 observance of our state's part in the Battle of Bennington. Again, in this major encounter, the majority of the American combat troops under the command of Stark — this time promoted to be a Brigadier General — were from New Hampshire.

In addition to these stated committees of the Commission, there are several others, each assigned to an important aspect

of the observance, Let me mention some of them. One, working with the New Hampshire State Library, is compiling a bibliography of printed books and articles on New Hampshire's part in the Revolution. The number of titles in that bibliography, to be published later this year, is now approaching one thousand. We have a committee working with persons interested in the fine arts and their role in the American struggle for independence. Still another committee is developing liaison activities with the many patriotic and lineal descendant organizations in the state. A committee is working on projects for use on New Hampshire's college campuses. Another committee is promoting a debate program in the high schools of the state, which will result in an interstate competition at Williamsburg, Virginia, in 1974. A very important committee publishes the *New Hampshire Gazette*, a periodical devoted to Bicentennial matters. Its mailing list, within and without the state, now contains 2500 names. I trust that you all have received a copy of the most recent issue of the *Gazette*, dated March, 1973.

People often ask me how our efforts are being financed. As you know, the General Court in 1971 provided a modest appropriation from the so-called Historical Fund. In 1972 the national Commission made flat grants to each of the fifty states. In each state this subsidy was to be allocated at the Commission's discretion as grants-in-aid to worthy Bicentennial projects. We have encouraged a number of such projects here in New Hampshire. Among these are an architectural guide to historic buildings in the state; a publication of maps from the Revolutionary War era; some historical markers; a proposed project to depict the once great "masting activities" of New Hampshire; and certain other endeavors which fall within the federal guidelines. We have tried to be realistic in all these grants, and many of them are to be matched by 50-50 funds raised from private foundations or other sources. Also from the federal funds we have established a Bicentennial office in the State House Annex, and have secured a full-time Executive Director, Mr. Gilbert S. Center of Laconia. In all these efforts, we have worked closely with the people in DRED, in the Department of Education, in the University system, and in other divisions of our state government.

These then are the thoughts I would leave with you today: an awareness of how close we are to the beginning of the

Bicentennial; our appreciation of the General Court's concern for our program; and a short summary of what the Commission has tried and is still trying to do. For three years we have co-operated with our sister Commissions in the other twelve states which formed this nation in 1776, and with the work of the national ARBC. In the current reorganization of the ARBC which, at the instigation of the President of the United States, is now being studied by Congress, the counsel of New Hampshire Commission has been sought by the appropriate authorities in Washington. I am hopeful that our thoughts have been useful to them. Even as men from this state worked with their colleagues from the other twelve two centuries ago, so it has been a remarkable privilege to do so again two hundred years later.

Important as it is for the New Hampshire ARBC to promote programs and projects for the Bicentennial years, it is just as important that every community in the state do likewise. The people at the grassroots of New Hampshire, under imaginative leadership, must be the main source of inspiration for the commemoration. Every one of you here today should see to it that the local unit of government you represent has a Bicentennial committee. We of the State Commission will be glad to help in every way we can; but the thrust and drive should arise from local pride, local dedication, local energy.

Late in 1775 Brigadier General John Sullivan of Durham wrote to the Committee of Safety at Exeter that General-in-Chief George Washington had recently told him that New Hampshire displayed “. . . much zeal in the common cause.” Such a comment was a source of pride to those in charge of this state two centuries ago. I trust that you may feel likewise about the efforts of the New Hampshire ARBC to manifest similar zeal today. The ultimate goal of the Bicentennial is to forge a new national commitment to the ideas for which the Revolution was fought, and to bring about a spirit which will unite us all in dedication to those ideas. That is our aspiration. We hope that it may be realized.

(Sen. Nixon in the Chair)

COMMITTEE REPORTS (Continued)

HB 270

relative to county elections and vacancies of county offices.

Ought to pas with amendment. Sen. Johnson for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to county elections.

Amend the bill by striking out sections 5, 6, and 7, and renumbering the original section 8 to read 5.

Sen. JOHNSON: Mr. President, the amendment is on page 63. The amendment strikes out the sections mentioned in the second paragraph of the analysis which had to do with the county convention. The bill as amended transfers the handling and certification of boats from county offices, from the superior court to the Secretary of State's office. Testimony at the hearing was in favor of the canvass of doubts change but strongly against the executive committee on the county convention having the power to throw vacancies in county offices.

Sen. GREEN: I rise in support of the bill as amended. I was very concerned about the bill prior to its amendment. I want to say to the committee, a job well done.

Amendment Adopted. Ordered to third reading.

HB 370

relative to the appointment and removal of medical referees by the county commissioners. Ought to pass with amendment. Sen. Blaisdell for the Committee.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appointment by County Commissioners. Amend RSA 611:1 by striking out said section and inserting in place thereof the following:

611:1 Appointment. The county commissioners shall appoint licensed physicians to be medical referees in the county in which they reside.

Sen. BLAISDELL: Mr. President, HB 370 was introduced by Rep. Palmer, relative to the appointment and removal of medical referees by the county commissioners. This power has been held by the Governor and Council and this bill simply gives the power to the county commissioners. And this bill also amended licensed 611-1, and it states that the county commissioner shall appoint licensed physicians to become medical referees to the county in which they reside. The committee was unanimous for this bill and we ask the consent of the Senate.

Amendment Adopted. Ordered to third reading.

SB 102

to delete reference to federal funds being applied to reimburse the State. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this act allows the Franklin Pierce Brigade to care and maintain the Franklin Pierce Home, to obtain federal funds directly and just delete the department of DRED from the bill. I recommend its passing.

Adopted. Ordered to third reading.

SB 67

changing the compensation of certain state law enforcement employees. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill allows certain law enforcement officers in the liquor commission, safety inspectors and motor vehicle inspectors to enjoy the same hourly weekly time as the state police now have which is a forty hour week and allows them instead of having eight hours a week overtime that they can have sixteen. We recommend this passes.

Adopted. Ordered to third reading.

SB 66

to provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, after considering the funds requested in this bill, \$39,500 to be used in the next two years and for the purpose for which it is to be to monitor the Old Man by certain very delicate instruments and by the read-

ings and checks how much the rock formation is moving. It is my recommendation that this bill be passed to save this natural site of the state of New Hampshire.

Adopted. Ordered to third reading.

HB 606

relative to the control of abortion. Inexpedient to legislate. Sen. McLaughlin for the Majority. Ought to pass. Sen. Sanborn for the Minority.

Sen. Sanborn moved that HB 606 be made a special order of business at 1:01 p.m. on May 1st.

Sen. McLAUGHLIN: Mr. President, I'd like to make HB 606 a special order of business on May 1 at 1:01 for Sen. Trowbridge who isn't going to be here today.

I think in all fairness to Bob who had several thoughts on this matter who would like to express himself, unfortunately due to circumstances beyond his control he can not be here today, so I'd like to request that this be postponed until May 1 at 1:01.

Sen. LAMONTAGNE: Senator is it so that Sen. Trowbridge is paired with Sen. Blaisdell?

Sen. BLAISDELL: Yes, I believe he is. He has paired with me on this bill but I would rise in support of Sen. McLaughlin's motion to make this a special order of business on May 1 at 1:01. I do this reluctantly, but in deference to Sen. Trowbridge and to the death that he had in his family I believe that he should be here. He should be able to state his points on the floor of the Senate and I ask that you support this motion.

Sen. LAMONTAGNE: Mr. President, members of the Senate, seeing that there is a death in the family of Sen. Trowbridge I will also concur with the special order.

Motion adopted.

SB 65

to require that all motor vehicles and trailers operating on the highways be equipped with tires meeting certain safety standards. Ought to pass with amendment. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, the amendment to this bill is in yesterday's Calendar. What the amendment does, is eliminates trailers of a thousand pounds or less, so that boat trailers are exempt. Otherwise the bill specifies that there must be a spare tire on all rigs except dual wheel rigs where you can interchange the tire. Otherwise there must be a passable tire including the spare, on all tires, trucks and trailers. It is a safety measure. It includes you know, the unsafe spare in the trunk of the car. The purpose of this bill is to eliminate that so that the spare tire is of passable quality. The substitution of wheels on trucks is a logical thing for wheels can be interchanged. Why we have included on trailers is because quite a few trailers are heavy and many of them have mongrel size wheels, they are not easy to contain on the road. The leaving of a trailer on the shoulder of the road creates a hazard to all traffic and it's a natural thing for people who are hypnotized to run into. We want it so that they can move a trailer off the road if they have to put a tire on right then and there and to get going again. And why we have eliminated the small ones is that we think people can get them off the road with hand power.

Sen. GREEN: Sen. Poulsen, in identifying what a safe tire is for a spare is that the same standard as the tires which are on the car on the road at that time?

Sen. POULSEN: Exactly.

Sen. GREEN: Then in essence this bill is saying that the tires on the road and the one in the truck must be of the same safety standards.

Sen. POULSEN: They must all be good tires. Yes, exactly. Otherwise we're setting it up to be a violation.

Sen. JACOBSON: Sen. Poulsen, is it also required that every car be equipped with two working headlights?

Sen. POULSEN: That's right. That's the law now, sir.

Sen. JACOBSON: Suppose for a moment you had some slight accident and one of the headlights was broken. Are you required on that spot to immediately replace the headlights?

Sen. POULSEN: No more than if you would replace the driver if something happened to him.

Sen. JACOBSON: Is there any other piece of equipment for which you must carry a spare?

Sen. POULSEN: Beside a truck, a car or a trailer?

Sen. JACOBSON: In an automobile instead of a tire?

Sen. POULSEN: I don't understand your question.

Sen. JACOBSON: Is there any piece of equipment outside of a spare tire of which you are required to carry a spare?

Sen. POULSEN: No, none that I know of.

Sen. JACOBSON: Are you required to carry a spare tire?

Sen. POULSEN: The old laws did require you to, but they don't open your trunk. We hope this makes it necessary for the inspection stations to look in to see that you are equipped with a spare tire of good quality.

Sen. JACOBSON: Why then do you pick out the tire as the required spare instrument when you require no other spare piece of equipment?

Sen. POULSEN: We pick out tires so that we can remove it from the road where it can create a hazard if left. If it's left on the road it's a distinct hazard and when it's left on the shoulder it's a semi-hazard, and that's what we're trying to eliminate.

Sen. JACOBSON: Further question. Then what you are saying is that the use of the spare tire is only for the purpose of getting to the nearest garage to repair it?

Sen. POULSEN: Essentially.

Sen. JACOBSON: Then you are in fact, asking to have in effect a new tire to serve a purpose that has very limited service.

Sen. POULSEN: No, we're not asking for a new tire. We are trying to prevent the unlikely possibility of putting on an old skin that you have in your garage, and immediately being arrested by Colonel Doyon. We want you the minute you have the tire on to be safe again.

Sen. SMITH: Due to the fact, that if this bill should pass, there would be a probable 20% increase in the sale of tires in this year do you by chance have a list of the tire companies in which one may purchase stock?

Sen. POULSEN: I'd be happy to get that . . . but you presume by your question with a 20% sale that every one of us has an unsafe tire in his trunk. I hope that isn't true.

Sen. GREEN: If I, when I went to an inspection station did not have a spare in my trunk would I be in violation of the law?

Sen. POULSEN: I think you'd be in a position where you would have to produce one to get your sticker.

Sen. GREEN: You are saying then that the present laws require me to have a spare tire in my trunk.

Sen. POULSEN: I'm getting a lot of no's from around me. I don't know.

Sen. LAMONTAGNE: Mr. President, members of the Senate, the only thing that this bill does, it puts back into the law which we had on the books. Before a Senator got stopped and did not have a spare tire, so therefore the Senator had that amended and took the spare tire out of the law. So now the way is you do not have to have a spare tire. Now, Mr. Clarke, the Motor Vehicle Director who feels that there should be a spare tire and I as a sponsor of this bill also feel there ought to be a spare tire. And it should be a spare tire that will meet with the standards of the law that we now have on the books, which is two thirty second tread. Now, if anyone thinks a spare tire has got to be brand new, no it's not so. Because if you have a tire that has a two thirty second tread, and by the way you can buy a two thirty second tire for only three dollars. And my gosh if anyone can't afford to pay three dollars for a spare tire to put into the trunk for safety then they shouldn't be driving at all on our highways.

Sen. SMITH: Senator you indicated that there was a certain Senator involved, was that Senator in the Senate now?

Sen. LAMONTAGNE: No, he's not.

Sen. SMITH: In stating that a Senator did this, I have always understood and I wish you would correct me if you are wrong, that it takes both a Senate and House majority to pass such legislation.

Sen. LAMONTAGNE: Well, let me say this, the Senator that was involved introduced the bill and therefore the bill passed both houses, by majority vote and became law.

Sen. JACOBSON: As I understand your bill, it will require you to have a useable spare tire in the trunk or spare tire location at all time?

Sen. LAMONTAGNE: That is right.

Sen. JACOBSON: Suppose I am driving along the highways and I have a flat, and I put that new spare tire on, or your three dollar tire, and I drive along with my flat tire in the back of my trunk. Am I then in violation?

Sen. LAMONTAGNE: No, you are not in violation because you have already at the time of inspection had a tire which had a two-thirty second tread. And therefore, it did meet with the inspections specifications. So, therefore, if you did have a second flat or if you had a flat in your car, no because this would not hurt you in any way.

Sen. JACOBSON: Are you saying to me that I can go down and get your three dollar tire inspected and then put my old tire back on?

Sen. LAMONTAGNE: Yes, as long as that three dollar tire has a two-thirty second tread, you will pass the inspection without any trouble.

Sen. SMITH: Senator, if someone should happen to have two cars for inspection he could take the tire spare of one car down for inspection come back and put the spare in his other car and go down to have it inspected. Would this still be legal under present law?

Sen. LAMONTAGNE: Senator, a person could even take the four tires underneath the car, which I've seen that done before, and take the four tires and put them on another car and go and get that car inspected. But if the person is on the highway with smooth tires I'll guarantee you, and he's stopped by an arresting officer, he'll be arrested for not having a two-thirty second tread.

Sen. SMITH: I would hope Mr. President, that those Senators who feel that there may be some problem with this present bill in that it has automobile spare tires for passenger cars included in this bill would vote for the motion for special order, if they are willing at a future date, namely 7:01 to support the amendment, which is not drafted at the present time to delete the words passenger car in regards to this bill.

Sen. S. Smith moved that SB 65 be made a special order of business for tomorrow night at 7:01.

Sen. Jacobson moved that we amend the motion to read Tuesday, April 24th at 1:01.

Sen. BOSSIE: Mr. President, I question the fairness of having this a special order of tomorrow evening in as much as Sen. Lamontagne will be presiding and perhaps will not be able to participate in any debate. So we should give consideration to him in this matter.

Sen. LAMONTAGNE: Mr. President, I'm sure that it does come up at 7:01 that I can relieve myself on the running of the meeting and let the president of the Senate preside during that time. And at the same time I'll guarantee you that if they do make it a special order tomorrow night that I'll have a two thirty second tire and a smooth tire tomorrow night to give you a demonstration of what danger there is with a smooth tire.

Sen. JACOBSON: Mr. President, I rise in support of the motion, however, as I indicated to you earlier, I will not be able to be there tomorrow so if the amendment that is proposed by Senator Smith, which I support, I would only ask Senator Lamontagne to provide me with those three dollar tires.

Sen. LAMONTAGNE: Let the records show that I will give the Senator all the tires he wants with a two thirty second tread for three dollars.

Sen. GREEN: If as suggested by Senator Smith (his amendment) would that destroy the intent of the entire bill?

Sen. POULSEN: It would take one wheel off it you might say.

Sen. GREEN: Do you think this bill would be worth considering if Senator Smith's amendment was adopted?

Sen. POULSEN: I don't really think so, Senator. I think that badly cripples the bill. I think it's a pure safety measure and I think that the equivalent of a three dollar expenditure makes things fit into the right pattern. You got an almost good tire and you can use it for a spare and it's probably alright but if it was a little better then your safety would be a little better.

Sen. GREEN: Is a motion in order at this time to indefinitely postpone the motion on the floor?

The CHAIR: I'm sorry, no.

Sen. GREEN: I would like to rise in opposition to the motion on the floor. Mainly because I'd like to see the situation dealt with today. I do not feel that the motion on the floor will accomplish what Senator Smith would like to accomplish and that is to amend the bill. And due to the answers to the questions I asked, that the bill in essence would be of no value without the amendment. I think the question here is whether or not we favor the bill in its present form or don't and for that reason I would like to go on record as being opposed to the amendment which is now on the floor.

Sen. LAMONTAGNE: President, members of the Senate I would not oppose the motion of the Senator's to be on the 24th.

Sen. BRADLEY: Will you bring those two tires in?

Sen. LAMONTAGNE: I guarantee I will.

Motion adopted.

SB 44

relative to the notice required for the lay out of class IV, V, VI, highways. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, members of the Senate, the purpose of this bill is to allow people in charge of laying out class 4, 5, 6 highways to send a letter by certified mail rather than by hand delivery. It was testified in the committee hearing at the present time it takes hours to hand deliver messages to the people and try to find them at home. They also find a majority of the people live out of state and out of the area where they are dealing with and at that point they can send it registered mail. They'd like to combine it all and have certified mail going to anyone with a change in the class 4, 5, 6 highways.

Sen. BOSSIE: I rise in favor of the report of the committee. When Senate Bill 44 was introduced myself on the behalf of the city of Manchester, right now on the laying out of discontinuing highways or actually streets in the city of Manchester, and throughout the state it's necessary for a city clerk, or town clerk to hand carry letters notifying people of the intention of the governing body. Now this would certify mail to be the

method of notice to the individuals. It has been our opinion and experience in Manchester that many of the notices are lost. Either because they're thrown under the door, or they are thrown in the mail box, and/or people throw them away. So, certified mail would be the way to handle this, and the better method. Also it should be considered that this is a better way to preserve the records of the individual cities or towns inasmuch as in a town especially where town clerks are elected and unelected, and they do die and it's important that a proper record be kept. So, that the future governing bodies in the particular towns and cities will know that this has been done in a regular manner and that if any court action is taken on such a matter, then it will be given consideration.

Adopted. Ordered to third reading.

SB 85

relative to maintenance of bridges on class II highways. Ought to pass. Sen. Sanborn for the Committee.

RECESS**OUT OF RECESS**

Sen. SANBORN: Mr. President, this act provides that the state will take over responsibility of the maintenance and reconstruction of the cities' bridges, previously the responsibility of the town or city. A bridge will become the responsibility of the state if it's been part of the Class 2 highway for a period of twenty five years or more. At present, under state aid, if it rebuilds a class 2 highway if it crosses any bridges without rebuilding or reconstructing that bridge, remains the property of the town in which it is located. Until such time as the state decides that under the state bridge aid that bridge should be reconstructed.

For instance, right now in my own locality, there are five bridges, and they have been under and accepted by the state, that is a part of their class two highway system for going on to forty years or more, and the towns feel that if the state has a vested interest in their used bridges for a period of twenty-five years or more that the state should now own that bridge and take on the responsibility for the reconstruction or construction if it needs it. This is the principle of the bill.

Sen. BRADLEY: Do you know how many bridges there are that fall into this category?

Sen. SANBORN: I believe there are fifty-six.

Sen. JOHNSON: Senator, what is a class two highway?

Sen. SANBORN: A class two highway is a secondary highway maintained by the state.

Sen. JOHNSON: In other words, this is not an impacted area?

Sen. SANBORN: Yes.

Sen. BOSSIE: I rise in support of this bill. There is at least one situation in my district that I am aware of, which puts a very small town in a poor situation where they are required to meet state standards and the cost of this would be prohibited to them. It seems to me to make sense, that if this was a state highway, and the state sets the standards, then the state should take the responsibility.

Adopted. Referred to Finance.

HB 124

to reclassify a certain section of highway in the town of Jaffrey. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, under this bill a certain section of highway in the town of Jaffrey, if I remember correctly they told us it was either seven or eight tenths of a mile of highway that has been classified to class two. The state has set aside a sum of money \$20,000 dollars and the town of Jaffrey has set aside \$20,000 to construct this into a class two highway. However, the town and the state have gotten together since then and found that the cost of reconstructing this highway is so much that they will prefer that it went back to class 5 highways and be reconstructed under TRA standards. Under this bill the \$20,000 the state has in the bank account and the \$20,000 the town of Jaffrey has in their bank account would be put together in a special TRA fund allowing the town of Jaffrey to rebuild this road to town road standards under class five system.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS 1:01

SB 37

to encourage voter participation in primary elections. Inexpedient to legislate. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, a remark, we did not have a chance to give the committee reports, I'm giving the committee report now. Senate Bill 37 has as its aim the universalization of the voting procedure in primary elections. With the allowing of such voting in such primaries without being required to register in any particular party. The committee view was that the enactment of such legislation will further weaken the already weakened party structure at a time that serious consideration for strengthening the two party system should be given. The committee unanimously recommends that SB 37 be inexpedient to legislators.

Sen. SMITH: Wouldn't the enactment of this proposal of President Nixon, wouldn't it make for a possibility of a new force in government? A new coalition?

Sen. JACOBSON: Yes, it would. It would push to its logical conclusion, push towards a non-partisan situation.

Sen. SMITH: Wouldn't it also be possible eventually to create a realignment of parties?

Sen. JACOBSON: No, I believe it would if pushed to its logical conclusion eliminate the need for parties.

Sen. SMITH: If the bill became law, would it not be to the advantage of every voter to disassociate himself from either party?

Sen. JACOBSON: Yes, it would be. The bill simply allows those who are independent to go into vote and those who want to be registered Republicans or Democrats or registered Communists, or whatever register you want to belong to they can continue to be so but there aren't going to be very many except a few rib-rock Republicans from New London and Plymouth. Because it will be every advantage not to be a party member, because then you can go over and vote any side you want to whenever you want to.

Sen. NIXON: Mr. President, I have too much respect for the unanimous vote of the committee on Executive Depart-

ments, Municipal and County Government, backed up by the legislative bulk of the distinguished Senator from the third district to think that anything I might say on the behalf of Senate Bill 37 will change anybody's mind right now, but I would like to give the Senate the benefit of the thinking which went into the sponsoring and introduction of this legislation. This is a sad fact which came to my attention as moderator in the Town of New Boston that the primary elections last fall was a dismal failure in the terms of voter registration and participation. It is also a fact that in New Hampshire at the present time nearly one third or better of the registered voters are listed as independents, not democrats and not Republicans. And in the face of those facts (and the numbers are increasing) it seems to me that we ought to be ready to think seriously about taking radical steps to improve and strengthen the two party system which I submit respectfully, we are allowing to be weakened by our inaction in respect to taking aggressive measures to encourage voter participation. We did enact years ago if you will recall, a law which does permit independents to re-register prior to the next election to go back as independents after having voted in a primary, one slate or another. The bill in question before you now, SB 37, goes one step further in that it allows independents to vote either the Democratic or Republican slate but at the same time maintaining without having to re-register their independent status.

Now I'm a firm believer in competition and rough and tumble of the extreme exchange of ideas and philosophy of ideas and all that which I think had a lot to do with the success of this country in its development and growth and the very success of this institution and its development and growth. And it seems to me that in the face of increasing numbers of people who want to maintain independent status and who are turned off by the primary election process we have now it would serve as an encouragement to the two party system to have those people eligible to vote either way and have Democrats and Republicans actively competing and challenging each other, for the independent's vote. And at the same time the independents might gain enough respect for the process that they would become familiar with the candidate and issues of either one party or another, and become interested enough to join that party and attempt to strengthen it. This is an attempt to strengthen not weaken the two party system, that SB 37 was introduced.

I am just afraid that we are going to see that if we don't do much more than we are now doing legislatively to encourage independents and everybody to vote the primary elections I'm afraid the two party system in the terms of my election and I would like to see it strengthened. I have too much respect for the opinion of the committee and individual Senators to think that it will make too much difference.

Sen. POULSEN: Senator is it not possible if this bill was enacted that a party could organize so as to vote in the weaker of the two primary candidates on the other ticket by voting independent and then come back in the major election with a much better candidate of their own choice and the one in fact, that they had nominated in the primary?

Sen. NIXON: I don't think so, Senator. Because this would involve Democrats going out and soliciting independents to vote for a Republican and their motives in the process would be pretty clear. I as a Democrat would like you to vote for a Republican, Joe Smith and of course the independent would say, why do you want me to vote for the Republican Joe Smith, rather than the Republican Bill Brown or rather than one of your Democrats. What are you trying to do, put me on? And I think that type of thinking would cause loss of respect for that type person who was soliciting on that basis and it would work in reverse. In other words, I don't think that would happen. That to me would be similar to a situation where, for instance, you went to a man's house for dinner and on the way out you told him his driveway needed to be fixed.

Sen. GREEN: Senator, as a registered Republican, would this bill give me the privilege of going in and taking a democratic ballot?

Sen. NIXON: Absolutely not, sir. As a registered Republican you can take only a Republican ballot, the same would be true of a registered Democrat he could only take a Democratic ballot.

Sen. GREEN: Will there be any concreteness to the argument that this bill if passed would be discriminatory in the fact that I as a registered Republican can only take a Republican ballot as opposed to an independent who can take either ballot?

Sen. NIXON: You'll have to find a better lawyer than me to give you a clear answer to that question. I would say I doubt

it, sir. Certainly no more discriminatory than the law now is for an independent can take one or the other but if he's registered as a Democrat he can't take a Republican.

Sen. GREEN: Would it be possible then to be encouraging rather than discouraging people to become independent in effect so that they will have a choice that they would not have?

Sen. NIXON: That's a possibility that I had thought about in connection with the sponsorship of this bill and discounted. I think the more likely possibility and thus the probability, that independents would be competed for if they could vote in primaries by both parties. And the independents would then come to learn more about both parties, hopefully who will later join one of these parties.

Sen. SPANOS: I would like the record to show that I supported and voted for SB 37 because I believe it does encourage voter participation in the primary election.

Sen. DOWNING: I also would like to be recorded as having voted for Senate Bill 37.

Sen. CLAVEAU: I would like to be recorded as having voted for SB 37.

Sen. FOLEY: I also would like to be recorded as having voted for SB 37.

Division: 12 yeas; 7 nays.

Adopted.

Sens. Spanos, Downing, Claveau, Foley, Bradley, and Blaisdell wished to be recorded as voting against the committee report on SB 37.

SPECIAL ORDER OF BUSINESS FOR 1:02

HB 95

requiring distribution of a list of Family Planning Agencies and services available in New Hampshire with the issuance of every marriage license.

Sen. Porter moved that HB 95 be made a special order of business for Tuesday next at 1:02.

Sen. PORTER: My special request to for a special order at this time is that Sen. Jacobson has asked me if I would make this

request on his behalf. The Appointment committee has agreed that he would be amenable to such a time next Tuesday. And I would like to make the same request that we consider action on this bill next Tuesday.

Sen. DOWNING: Sen. Porter, do you recall that I requested that this be made a special order for last Tuesday and in deference to yourself moved it to this Tuesday?

Sen. PORTER: I recall that you made a special order in deference to that fact that I was not here last Tuesday you moved it to yesterday when it was inadvertently left off the Calendar. And it therefore appeared today and Sen. Jacobson can not stay.

Adopted.

Sen. Preston having voted with the majority moved reconsideration of HCR 6.

Sen. PRESTON: In regards to the petition of the Congress of the United States to call a convention to that purpose we were presented with two amendments yesterday which members of the Senate had not previously had opportunity to read and the purpose of my motion to reconsideration is to ask further questions of those submitting the amendments. They seem very confusing to the sponsors.

Sen. PRESTON: Sen. Bradley, not as a matter of criticism but this portion of your amendment states an individual student may voluntarily say prayers of their own choosing on appropriate occasions and according to the dictates of their own conscience and that's rather frightening to me as to what constitutes a prayer on one's own choosing and who determines the appropriate occasion and so forth. It just didn't seem that clear.

Sen. BRADLEY: It's a good question and the questions are as applicable to the original wording as they are to my amendment. What I'm attempting to do by my amendment is simply to bring the whereas clauses into line with the operative phrase in the resolution because I felt the language in the whereas clause was more specific and went someways toward answering some questions that you are now asking. The matter of what is an appropriate occasion and the amendment whether proposed by Congress or a case law, it is my opinion and appropriate oc-

casion by the time that is set aside during the operation of the school. As to what might constitute a prayer, the here again this is something which is hard to answer, it is the same question with the original wording where we didn't define what a prayer is there either. The courts have had to define similar questions as to what is a religion and what is a church, which would be sufficient to qualify for a reduction in income tax. So I don't have all the answers the questions are inherent in both wordings and I think that there are less ambiguities in my wording than the original. I think if someone really wanted to address themselves to the questions raised by this we would end up with a much more detailed proposal.

Sen. PRESTON: It has come to my attention that Senator Jacobson's amendment may not be constitutional, and this has been presented before Congress before in this manner and ran into trouble. Are you aware of that?

Sen. BRADLEY: I'm aware that the question has been before Congress. And the Congress has not agreed on proposing this as a constitutional amendment and that is one of the reasons why I would support passing such a resolution to ask Congress to come up with a proposed constitutional amendment on this. I would simply try to be a little more definite about what we are asking Congress to do. I agree wholeheartedly with Senator Jacobson although I didn't speak yesterday, that it is totally inappropriate to in this type matter to attempt to circumvent the Congress, who has originated all constitutional amendments and try out some new and unchartered territory, without knowing what could come of it.

Sen. POULSEN: I rise in support of the point of Senator Preston. While Senator Bradley's question is well meant I think he's probably smarter than we think. I think we have it confused with the terms he uses. I think the sponsors of the bill would be happier if the amendment was on it. I personally would be happy without it.

Sen. JOHNSON: Is there some method of setting up, set up to find these HCR's so we can find these things?

The CHAIR: The answer to your parliamentary inquiry is yes. Every bill and resolution that we act upon is to be in printed form for you or if an amendment thereto is offered it is to be printed in the Journal and referred to.

Sen. JOHNSON: Now I go back to the original HCR, where was that? Or how is one to know that it was in the House Calendar labeled February 22 or some such thing? Shouldn't it be set up so that the information is available to everybody?

The CHAIR: First of all, the Chair will say far be for the Chair to undertake to revise the suggested House Rule and the manner in which it proceeds in the printing or typing, of any resolutions to be acted upon by them or the Senate in any subsequent terms. So far as the Senate is concerned the Chair will see that at no time, within his power, will the Senate discuss HCR's or whatever unless there are plenty of copies available in printed or typewritten form.

Sen. SMITH: I merely rise that HCR 6 be recommitted to the Committee on Rules and Resolutions so that those who do take exception with the amendments may testify in that regard.

Sen. PORTER: I support the move to bring this back to our Resolutions Committee and I'd like to urge all those who are interested in this particular resolution to appear at the hearing so that we may have benefit of all the inputs that are necessary to make this a meaningful resolution. At the last hearing some four or five people showed up and there were no amendments proposed as I recollect and we will give it ample public notice before the next hearing.

Sen. SPANOS: Mr. President I rise in support of the motion to recommit but I sincerely hope that the committee will consider that this Senate chamber voted almost unanimously that this should not be a constitutional convention matter but rather should be a resolution matter to Congress memorializing Congress to enact the constitutional amendment and I sincerely hope that any consideration that is to be given that portion of the amendment that was offered by Senator Bradley. Conceptually, the Senate did vote almost unanimously to support the principle of a resolution rather than a constitutional amendment. And I hope we don't go back to the issue of the original resolution which calls for the calling of a constitutional convention.

Sen. SMITH: In what form is HCR 6 recommitted to committee?

The CHAIR: The form in which it goes back to the committee is the form including the amendment previously adopted

by the Senate. It's up to the committee to come back with a recommendation to that amendment or any other amendments that may be offered.

Adopted.

Sen. Foley moved that HCR 6 be recommitted to the committee on Rules and Resolutions.

Adopted.

PERSONAL PRIVILEGE

Sen. SPANOS: Mr. President, I arise today to air with you and the members of this Senate a matter of grave concern to me and which affects each and every citizen of this state.

I refer to Governor Thomson's response the unanimous decision of the New Hampshire Supreme Court which ruled that his excellency's search of certain business profit tax files was without legal foundation or constitutional authority.

I could use this opportunity to crow that "I told you so" several months ago when the chief executive first commanded his administrative assistant to go forward and search out the tax records of five New Hampshire corporations . . . but nothing would be gained by any such remarks.

However, the Governor's answer to the court's decision demands of us in the Legislature a commentary and a reaction because such conduct contains within it the seeds of the dissolution of constitutional government in this state.

The Governor said in his response to the court's ruling: "each public officer who takes an oath to support it as *he understands it and not as it is understood by others*" I repeat "*as he understands it and not as it is understood by others.*" This is a most novel doctrine for it, in fact, says, "I am the law."

And then the Governor continued on to say that he would repeat his actions and ignore the court's ruling if he (the Governor) felt that *he* was right . . . and this all from a man who prides himself in being an attorney and an officer of the court: who campaigned vigorously on the issue of law and order: and who goes from schoolhouse to schoolhouse preaching the goodness of our constitution and who quotes daily from it.

This "I am above the law" attitude contradicts the very essence of our continued existence . . . the social compact which man created to avoid the jungle. It is an alien doctrine for it postulates that we are a government of men and not of laws. Just imagine what would happen to our social structure if each and every one of us chose to subscribe to the governor's concept of the law. And just think how confused the public must be today when they see the highest elected official in the state thumb his nose at the law. No small wonder we have disrespect for law and government.

Mr. President, let us remember that his excellency was elected governor . . . not anointed king . . . that the divine right of kings went out with the American Revolution. And one reason that it did was because we Americans were sick and tired of rulers who made their own law under the pretext that God was showing them the way.

The Governor's philosophy of government is dangerous. It contains the embryo of one-man rule. It is a throw-back to the days of certain southern governors who defied the legislature and the court whenever they believed themselves to be right . . . and they always did this in behalf of the people using as scapegoats the democratic institutions and "the powerful and prosperous few." As a matter of fact, the words of Governor Thomson last week could well have been spoken by those governors I alluded to when our Governor stated: "In any clash of interpretation of the powers of the co-equal branches of government, the ultimate decision must and does rest with the voters."

That statement is not simply the announcement of a bid for re-election as reported by D. Frank O'Neil. It is more than that. It is the sentiment of a man who sees his leadership, his relationship with the other two branches of government, and his execution of the laws in terms of votes not in terms of stability and order. His executive orders, his edicts and his latest pronouncements pretty well indicate how the governor interprets his role . . . and I am disturbed.

And Monday on state-wide television, the Governor, obviously smarting from criticism heaped upon him by others, including you, Mr. President, continued his assault on the institutions of our Government which he characterized as "the es-

tablishment" which should give you a good idea of his disdain for the bulwarks of a democratic society. He chastised the legislature; he inferred favoritism by the attorney general; he backhanded the President of the Senate; tore the Tax Commission to shreds; and did not have kind words for the Comptroller-General or the Commission on Data Processing. And he again attacked the Supreme Court indicating a conflict of interest in the tax search decision because the court appoints the tax commission. His comments implied that the court was not above politics . . . and this has done serious and irreparable damage to one of the finest courts in the land . . . and I feel that it was so designed and I say this because the Governor could have raised the issue of "conflict" at the time the council asked the court for its advisory opinion.

This cleverly conceived T.V. statement is an old maneuver employed by those who wish to cloud the real estate issue to avoid their own responsibility. Attack others, toss in the "broad-base tax bugaboo", appeal to emotions about the privileged few and escape the spotlight of public scrutiny. I hope this effort doesn't work.

And in that same cleverly conceived document, brilliantly orchestrated with a follow-up editorial in the *Union Leader* of today, the governor camouflaged the issue by trying to make the people think that he ordered the tax search because he inherited an unbelievable mess. He claimed that the search was made necessary because of the state's failure to close its books for two fiscal years, a report on the inadequacies and failures of the tax commission and questionable conduct respecting the dog track. I ask, what the devil does the state's failure to close its books, tax commission inadequacies and alleged skull-duggery on the dog track issue have to do with the likes of Stewart Lamprey, Sam Tamposi, Sanders Associates, Dartmouth Printing Co. and the Mary Hithcock Clinic?

If the books aren't closed . . . then for God's sakes, close them. If their mismanagement in the tax commission and loopholes in the business profits tax law, then man, restructure the commission as the Senate tried a session or so ago and recommend legislation to close the loopholes whatever they are; and if there is questionable conduct as it relates to the dog track I am sure that you will not find the answer in any corporation's

tax return as I know that you will not find under income the words "fraud — \$50,000.00".

Also, what relation is there to his search of the tax files question and fact that certain state employees did some moonlighting on state tax returns and appraisal work or that a year ago there were 200 commission property tax appeals involving more than 100 million dollars; and that there were 30 unreviewed audits about 2 years old in the Municipal Accounts Division and five counties not audited since 1964?

What make the governor's performance all the more incredible is the fact that on the very same day that he issued the Thomson Doctrine of Government, his press secretary was speaking for the governor against the House Amnesty Resolution in the following terms:

"History has recorded that whenever the duly established laws of any land are arbitrarily discarded and flouted for whatever motive, however, lofty, that anarchy reigns."

Mr. President . . . I could not have said it better.

Finally, Mr. President, I realize that the Attorney-General is giving serious thought to the course of action he will take as a result of the court's decision and the penalties can be severe. The court in its concluding paragraphs stated: "Nothing contained in this advisory opinion is intended to suggest that civil liability or criminal prosecution should result from innocent, good faith violations." Only one person has the information necessary to determine whether the violation was innocent and in good faith . . . and that person is the Governor. I therefore, respectfully suggest that the Governor submit himself to questions by the Attorney-General as to the "why" for the tax search. It might very well resolve that particular aspect of this matter.

But as to the overriding issue . . . the Governor's philosophy of constitutional government . . . that is our responsibility . . . and that philosophy we must and should combat. I applaud the House on its action yesterday on HB 309, which prohibits tax file searches except by the Attorney-General's office, our chief law enforcement agency.

About three months ago when I spoke out against the Governor concerning his edicts, his executive orders and the uni-

lateral tax search, some of you, including members of my own party said: "give the Governor a chance." I hope by now you have altered your positions.

Sen. Foley moved that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow night at 7:00 p.m. in Berlin, N. H. History was made on this day on the 18th of April in '75, — It was rather a coincidence that the chairman of our Bicentennial Commission Mr. Duane Squires came and spoke to us on the 18th of April in '73.

We adjourn in honor of Chairman Squires, a fine historian who makes an able chairman for our history making celebration.

Adopted.

LATE SESSION

Third reading and final passage

HB 72, relative to requirements and prohibitions for county officers and employees.

HB 270, relative to county elections and vacancies of county offices.

HB 370, relative to the appointment and removal of medical referees by the county commissioners.

SB 102, to delete reference to federal funds being applied to reimburse the State.

SB 67, changing the compensation of certain state law enforcement employees.

SB 66, to provide for continued monitoring of the Old Man of the Mountains rock formation, and making an appropriation therefor.

SB 44, relative to the notice required for the lay out of class IV, V, VI, highways.

HB 124, to reclassify a certain section of highway in the town of Jaffrey.

Adopted.

Sen. Provost moved the Senate adjourn at 3:50 p.m.

Thursday, 19Apr73

The Senate met at 7:00 p.m. in Berlin, New Hampshire.

A quorum was present.

Posting of Colors was led by Col. W. Oscar Marcou, V.F.W., Berlin, the D.A.V., Berlin, and representatives from the American Legion, Gorham and Berlin.

Prayer was led by the guest Chaplain Father Jim of St. Kieran's Church, Berlin.

Let us pray:

Father, You have entrusted this world, our state and all that is in it to the mind and hands of men. Such is the meaning of your creation. That men need each other very much is obvious to all today.

As our members of the State Senate meet here this evening be with them as they work to make our state a fine community of people and to meet the needs of their fellowmen.

We thank you for their presence here in Berlin and for all those who have made their presence an enjoyable one. We now ask your blessing in the name of Jesus your Son and our Lord.
Amen.

Pledge of Allegiance was led by Lousi Delorge.

Pres. NIXON: It is now my honor to introduce the Mayor of Berlin, the distinguished Sylvio Croteau for the purposes of welcoming the New Hampshire State Senate to the city of Berlin.

MAYOR CROTEAU: Mr. President, ladies and gentlemen, honored guests: Today is quite an occasion for the citizens of this community. I am not just going to touch on Berlin, but all of the north country, I think they are equally proud to honor you and to have you present here. I would like, at this time now, to very briefly commend this body for all your attendance here in Berlin for this session of the New Hampshire Senate. I would also like to thank you personally for SB 39, that was rushed within one hour to the House of Representatives and the Senate. SB 39 pertains to emergency ambulance service in

our district. As a way of introducing, I would like to have my people here in the north country stand at this moment and follow me in a round of applause to welcome you people to the fine north country. (applause)

This is my wife, the better half, and I would say the leading lady of the City of Berlin.

Pres. NIXON: Thank you Mr. Mayor and thank you ladies and gentlemen.

Introduction of Senators.

Introduction of Staff.

Pres. NIXON: Before I finish with my participation in this program, I would like to introduce the wives of the Senate and guests here tonight. The first and most important, Miss Shirley Skinner, guest of Sen. Lamontagne. Also Mrs. Poulsen, Mrs. Nixon, Mrs. Brown, Mrs. Johnson, Mrs. Anderson, Mrs. Provost and Mrs. Blaisdell. I would now like to have the vice president of the Senate, Sen. Spanos to escort Sen. Lamontagne up to the podium.

Ladies and Gentlemen, I have the honor of making a small, but we hope meaningful presentation to Sen. Lamontagne in your presence here tonight. I will simply read it and I take no credit for it because it was written by Mr. Anderson.

STATE OF NEW HAMPSHIRE SENATE CHAMBERS

Know all men by these presents that whereas, This New Hampshire State Senate meets for the first time in history in Berlin, New Hampshire, on this evening of April 19, 1973, in observance of its 190th anniversary, and;

Whereas, Senator Laurier Lamontagne has served his native city of Berlin as Councilman for eight years, and as Mayor from 1958 to 1962, and;

Whereas, he is now the "all-time champion" member of this Senate, in having served an unprecedented 10th consecutive term, longer than any other person in the history of the New Hampshire Senate, and;

Whereas, Senator Lamontagne, a youthful 55, boasts a per-

fect attendance record at Senate Sessions, and has never missed a roll call, through this remarkable legislative career;

This historic Session of the 1973 Senate presents this

CERTIFICATE OF COMMENDATION

to

SENATOR LAURIER LAMONTAGNE

for his unexcelled public service to the State of New Hampshire, and

Be it further resolved, that this citation be incorporated into the Senate's permanent Journal, and a copy be presented to the Berlin City Government for its annals.

In Witness Whereof, the Members of the New Hampshire State Senate, have authorized and approved the presentation of this Certificate at a hometown Senate Session meeting held in Berlin, New Hampshire, this 19th day of April, 1973.

President

Vice President

Majority Leader

Minority Leader

ATTEST:

Clerk

Sen. LAMONTAGNE: Mr. President, members of the Senate, the Hon. Mayor: You know once a Senator, always a senator. I would like to introduce Emmett Kelly and Mr. Delorge, a friend of mine. This is the greatest honor that I have received and I thank each and every one of you. I am sure that those of you have been in my home know where this is going to go. It is going to go on the wall where everything else is that I have received and that is on the wall in my front room in my home. I certainly appreciate this a great deal. I would like to thank Emmett, Mrs. Kelly, the Mayor and Mr. Delorge. I understand that the Holiday Center has been closed this evening so that they would have the opportunity to be here and I appreciate this a great deal. To the members of the City Council and to all of my friends and citizens in Berlin and in the north country,

wherever you have come from, even if you come from outside of the state, I welcome you here tonight to witness what is going to happen and actually nothing was planned. I would now like to have all of the Selectmen please rise, Town clerks, members of the City Council, the Berlin Delegation or any members of the House of Representatives, I understand the reason why they are not here is because they had a long session today, but they have been invited. At this time it gives me a great deal of pleasure to introduce the state's Historian, Leon Anderson.

LEON ANDERSON: This 1973 New Hampshire State Senate is making unusual history.

This Berlin visit is the first legislative session ever held in Coos County. It is the 11th in a weekly series of "Home-Town" Senate sessions being held through the state to mark New Hampshire's 350th anniversary, and the Senate's 190th anniversary.

This meeting is being hosted by Sen. Laurier Lamontagne and his fellow Berlin citizens, and this is timely. For he now ranks as the Granite State's all-time State Senate champion. He is now in his 10th biennial term, and this is longer than any of the other 2,500 members have served since this Senate was created in 1783.

Interestingly, legislative records show that while Berlin is 202 years old under different names, it never had a State Senator until 1887, or only 86 years ago.

Samuel E. Paine, 50-year-old butcher and native of New Sweden, Maine, was Berlin's first Senator in 1887. Then it was not until 1909 that Berlin got its second Senator, and he was quite a gent. This was Abraham M. Stahl, born in Germany who came to Berlin in 1879 as a peddler, took up lumbering, became president of two banks, and in 1909 became the first man of the Jewish faith to sit in the New Hampshire Senate.

When the Democrats gained control of the Legislature at Concord in 1913 for a first time in 40 years, they readjusted the Senatorial Districts in Berlin's favor, and it has been spouting Senators ever since.

Paymaster Eugene F. Bailey of the old Berlin Mills served in the 1915 Senate, and Attorney Daniel J. Daley, bank president and five-term Mayor, served in 1917 and two years later became Berlin's first reelected Senator.

Paymaster Oscar P. Cole served in 1921 and then Attorneys Ovide J. Coulombe and Matthew J. Ryan served in 1923 and 1931, respectively.

Emmett J. Kelley hit the Senate scene in 1933 and was re-elected for six more terms, with a 1939 break when Albert C. Lazure was Senator for one term. And Kelley has ever since been a member of the State Racing Commission, and now is the oldest such commissioner in the nation in point of longevity.

Fred G. Hayes Jr. served three Senate terms beginning in 1949, and Senator Lamontagne has been at it ever since!

A modest history of New Hampshire's Senate has been compiled for this year of anniversaries, and copies have been distributed to this evening's audience. Additional copies may be obtained for use in schools, etc., from each of the 24 members of the Senate.

In closing, we compliment Berlin for being what it is. From 1771 to 1829 it was called Maynesborough, which it would require two Gorham lawyers to spell, let alone pronounce!

Berlin has another new "first" to be proud of.

The 1973 House of Representative elected a first Catholic legislative chaplain in New Hampshire history, as the state observed its 350th year of 1623 settlement.

He is Reverend Joseph Yvon Beaulieu, 42-year-old pastor of St. Lawrence Church in Goffstown, who was conceived and raised in Berlin, but was born in St. Fabien, Canada, 180 miles north of Quebec City, on April 3, 1930. His parents have resided in Berlin more than 60 years, where his father, Israel Beaulieu, now 80, worked for half a century for the Brown Company. Father Beaulieu explained his mother temporarily returned to her native town for his birth, for sentimental reasons.

Chaplain Beaulieu attended St. Charles College in Sherbrooke, Canada, St. Mary's Seminary in Baltimore (where he became naturalized at 21), and Catholic University at Washington. He went to Goffstown in October of 1972, following six years at Rochester's Holy Rosary Church, and earlier service at Manchester, Nashua, Newport and Berlin.

This Senate has also set a record by appointing its own chaplain for a first time, this year, since its creation in 1783. This was done because the upper branch continued its new policy of opening daily sessions at one o'clock in the afternoon, or two hours later than the customary House opening.

The Senate's first chaplain is the Reverend Dr. Vincent Fischer, 62-year-old rector emeritus of Goffstown's St. Matthew's (Episcopal) Church, and chaplain of the McKerley Medical Care Center in Concord. Born in Lynn, Mass., on September 29, 1910, Dr. Fischer attended University of New Hampshire, Bangor Theological School, Yale University, and Berkeley Seminary in New Haven, Conn. He earlier served each of Concord's three Episcopal parishes.

Sen. LAMONTAGNE: Thank you very much Andy, you always do a wonderful job. Also here tonight, it gives me great honor to introduce to you my mother, who was at one time paralyzed, just a few years ago, and she is now able to walk and able to wash her own dishes. My mother. Unfortunately my father could not be here tonight because he didn't feel well so we felt that it would be best for him not to take a chance and that is why he is not here tonight. Otherwise he would be here with my mother. I would now like to introduce two of my greatest friends. One is here but the other one is not because he isn't feeling well. One has been very close to me in all of my years and I would like to share this honor with him, Lewis Delorge. The other person who is not here tonight, back in 1955, when I was elected to the State Senate, I was a very, very scared young man, because I had never been in the House and I just didn't know the ropes but I was fortunate enough to have a friend who was my roommate for several years and that was Arthur Bergeron. I would like you to know that this was a man who was available at any time that I ran into trouble and didn't know what to do and I could go and see my roommate and he was able to give me some legal advice and it didn't cost me one dime. I would also like to thank you for the welcome sign on Main Street and all of the work that the City of Berlin has done. It took a committee to set this up and it was the most wonderful committee that I have ever worked with in all of my years. At this time I would like to have my committee please rise. These people worked very closely with me and they did a wonderful

job. There was one person who appointed himself to this committee and he never missed a meeting and in fact he got me out of bed this morning. Edgar Dean, Vice President of the Brown Company. I would also like to thank the Granite State boys, thank you all very much. Your cooperation has certainly made this a wonderful day.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 140, amending the charter of the city of Concord relative to city council vacancies and absentee voting. (Smith of Dist. 15 — To Executive Departments, Municipal and County Governments.)

SB 141, providing for continued expenditures at current levels in the event a subsequent budget is not enacted. (Jacobson of Dist. 7; Brown of Dist. 19 — To Finance.)

SJR 12, reimbursing cities and towns for lost tax revenues and making an appropriation therefor. (Johnson of Dist. 21 — To Ways and Means.)

COMMITTEE REPORTS

HB 289

providing that banks which give mortgages on real property may not levy a service charge against the seller of the property. Inexpedient to legislate. Sen. Johnson for the Majority. Ought to pass with amendment, Sen. Bossie for the minority.

Sen. JOHNSON: Mr. President, HB 289 pertains to fees or service charges commonly known as "points" sometimes applied to fixed rate mortgages such as FHA or VA. That rate is 7% which is $\frac{1}{2}$ to 2% below the present rates. I would now like to quote from a letter from James Sullivan, Director of the VA office in Manchester. It says "It has been the practice of lending institutions throughout the nation to charge the sellers a service charge of 'points' — so-called — which vary from 0 to 5 points. In New Hampshire these points average about 2%, with a low of 0 percent to a high of 3%. Since lending institutions are usually interested in the "net yield" on loans made and for each point charged on the average loan will increase the net yield by approximately $\frac{1}{4}$ of 1%, most banks do charge points. You can readily see that a 7% GI loan is not too attractive when

non-guaranteed loans carry from $7\frac{1}{2}$ to 9% interests rates; however, when allowed to charge points, then the "net yield" on a GI loan becomes more attractive to the lending institution."

Several other problems and facts caused our inexpedient report. HB 289 is discriminatory as it is and it only applies to State Chartered Banks. Federal Savings and Loan Associations, National Banks are exempt from the proposed legislation; it will only hurt the people you control, namely State Savings Banks. Balancing loan portfolios for safety and yield factors would be inhibited. It would dry up local loan sources, VA mortgages can be purchased at a discount from such states as Texas.

Again a quote from Mr. Sullivan, "I personally feel that if HB 289 becomes the law of the state of New Hampshire then the average veteran will find it almost impossible to secure necessary financing to purchase a home for himself and his family."

Sen. DOWNING: Sen. Johnson, I am a little bit confused. I thought points were charged to the buyer who arranges for the mortgage and not to the seller, would you explain that a little bit to me?

Sen. JOHNSON: Points are actually charged to the buyer but the normal practice is that it comes out to the seller.

Sen. DOWNING: Is it because that according to government regulations that it is illegal to charge points to place an FHA or a GI mortgage because it overballoons the price and puts the charge against the seller so that they circumvent the situation by handling it in that manner?

Sen. JOHNSON: I am sorry, I don't quite understand your question. It is not illegal to charge points, in fact, the FHA and the VA have a flat mortgage rate of 7%, however they all do have a small service charge.

Sen. DOWNING: I am just trying to understand Mr. Sullivan's report of this bill or opposition to this particular bill. He naturally represents the interest of the veterans in the state of New Hampshire and feels that the passage of this would have an adverse effect on the placing of GI mortgages and for that matter, FHA mortgages or loans. The government hasn't

any objection to a reasonable service charge. I understand that they do object to excessive points being added as a premium to federally guaranteed mortgages, either a GI program or FHA program. Now, in fact, haven't they been circumventing this by adding charges to the seller and ballooning the price to the buyer so that legally, technically the individual applying for a GI mortgage or an FHA mortgage can't get the mortgage?

Sen. JOHNSON: I am still not sure on your question. The points are charged to the seller but normally speaking, the seller realizes that because his customer only gets a 7% mortgage and therefore it comes out of the price.

Sen. GREEN: What is the service that the banks provide in order for it to verify or make it possible for this charge of an extra fee?

Sen. JOHNSON: By the points what they actually do is discount the face value of the mortgage which in face, increases the yield and makes it more compatible to the floating or current going rate and it depends on the law of supply and demand.

Sen. GREEN: Is it not true that the desire of the banks in charging this service charge is an attempt to make up the difference which they have not received because of a low interest charge?

Sen. JOHNSON: Yes, but I think the text of your question is a little different. Actually what this does, in the first place you must realize that these are mutual savings banks and mutual savings banks pay back interest to their depositors and mutual banks are owned by their depositors and that is as I said, the so-called points. Actually discount the rates to start with, therefore, you have 7% against 98%. This is like a bond, when the rate of the bond interest goes up, the price goes down.

Sen. GREEN: Is it not true that the House Committee brought this into the House with the recommendation Inexpedient to Legislate and that the House overrode that particular committee report?

Sen. JOHNSON: It could be, I didn't read it. I know it arrived in the Senate.

Sen. BOSSIE: I move that the minority report ought to pass with amendment be substituted for the majority report of inexpedient to legislate.

Sen. BOSSIE: If you will look on page 58 of today's Calendar you will find the amendment to HB 289 which I proposed to be the action of the Senate. If you will notice on the amendment there are several changes. First of all the words mortgages and mortgages are changed to mortgage and mortgage loans, banks do not make mortgages, it was changed to mortgage loans to make the bill more adequate. In a sense this is a consumer bill and I will certainly take issue to anyone that says that this amendment will hurt veterans or any less affluent people. On page 69 Chapter 384:19-A about half way through, "provided, however, that when a mortgage loan is in part or in whole guaranteed by an agency or department of the Federal government which establishes the rate for the same, then the lending institution may, to the extent agreed to in writing by the seller, charge said seller such fee or service charge." In other words if this is a veterans loan or an FHA loan then this law would not apply to it. This would apply to conventional loans as you noticed there is nothing mentioned in this bill and it does not affect the services charges to buyers, just sellers as is now the situation in the state of New Hampshire when an individual buys property, and this is in some banks in some parts of the state, other banks have nothing of this type of arrangement. The buyer pays one point and the seller pays two points and one point means 1% point if a piece of property sells for \$25,000.00, the buyer pays \$250.00 and the seller pays \$500.00 right off the top at the time that they purchase the property and this is really unnecessary. What this bill is, is a consumer bill and it protects the seller and the buyer too, as Sen. Downing said, in the end the price is just built up and so the service charge would be included in their rent. So I would ask you honorable Senators now to consider this amendment and I ask you to pass it.

Sen. POULSEN: Mr. President, I rise in opposition to this amendment. This is a consumer bill now. VA loans and FHA loans are by legislation of the Federal Government set at 7%. In the realm of competition, banks pay the best loans. If they are obligated to a 7% loan they have a perfect right to refuse the loan and so by putting in an addition of this point system, we are in effect telling the banks that they don't have to fool with these loans. Leave them alone, forget them and take the ones you want. Points are not used by all banks. In the north country very few banks use them. Down in the southern part

competition is much higher and they do use this and they charge the seller some and the buyer some to bring it back up to 7½% or even 8% which is a reasonable figure that I have to pay, you have to pay, and everyone has to pay on a mortgage loan. If you have 7 percent without making it mandatory, there is no bank that will take it and in fact you cut out the people who are qualified for VA or FHA loans. If you pass this amendment, you will in fact cut out the possibility of a veteran getting a VA loan.

Sen. PROVOST: At the hearing, were the banks represented and if they were, were they for or against the bill?

Sen. MCCLAUGHLIN: The banks were at this hearing and they were against this bill.

Sen. PRESTON: Sen. Bossie, in your opinion, if we vote for this amendment and the passage of motion, will it make it more difficult to obtain a VA or FHA loan as it was incurred by Sen. Poulsen or does your amendment cover this?

Sen. BOSSIE: Thank you for asking that question. I certainly disagree with Sen. Poulsen and I was going to ask him that question but since you in turn asked me: I will answer it. By this addition, on page sixty-nine, the paragraph that starts, quote "Provided, however, it excludes the VA and FHA Loans and its has no effect on these loans whatsoever. I don't see how anybody can interpret it to be as such. Veterans will be able to get financing and poor people will be able to get financing. Under the House bill that was passed by the House of Representatives, they will not be able to get financing. This amendment is a good amendment and the way the bill should be passed. I didn't like the way the original bill came from the House because it was discriminatory against these people.

Sen. BRADLEY: I'm sorry, I guess I'm a little thick I still don't understand how points get charged to the seller. If I own a house and I put it on the market for \$25,000, that's what I'm selling it for and someone comes around and signs a contract with me and pays me \$25,000, how does the bank get off by charging me any points?

Sen. BOSSIE: That's an interesting question, and the people are very surprised when they get to the bank on closing day

and perhaps this does not happen in your part of the state but it does in mine, they get to the bank on closing day and lo and behold, the seller comes out of the bank with \$500 or \$600 less than he thought he was going to get. It does happen. I don't know how they do it either but they somehow do accept it certainly. A lot of people believe that's the way things are. They protect any misinformation or misgiving that they may have.

Sen. BRADLEY: This happens even where the seller does not have his mortgage with that particular bank?

Sen. BOSSIE: It certainly does.

Sen. DOWNING: I don't see how this is going to protect the individual applying for a GI mortgage or an FHA mortgage any differently that what the situation is right now. If, according to your amendment here, the seller would have to agree to pay these points but as I know and you must know, it is going to be passed on to the buyer, either he is going to be informed before the mortgage is arranged or during the time of the arrangement that he is going to have to pay it. The real problem here is that the federal government has to get involved and take a look at their own regulations and the banks are circumventing them and this doesn't do anything, it sounds great, it sounds like it's going to do something but it is not curtailing the banks from practicing what they have been practicing for years. It isn't right, something else has to be done here. I don't see how you feel that it is going to change it, it still is going to back up to the guy who's paying the bills.

Sen. BOSSIE: I would have to agree with you as far as the fact that we do know banks are circumventing the law and we do know what happens when the seller sells his property and they ask the individual if this is going to be a VA loan or an FHA loan and if the question is yes, they tack on an extra price. If it's going to be for \$25,000, it's \$500 more, otherwise they say they can have it for \$25,000. Some people don't have the money for a down payment, that's how they are going to do it and that it what is going to happen. I agree with you that the federal government should get involved in this and take a look at this practice.

Sen. POULSEN: Sen. Bossie, do you realize that this bill only effects state chartered banks and non national banks?

Sen. BOSSIE: I do.

Sen. POULSEN: Any federal legislation would have a hard time getting to state banks before it got to federal banks, is that not true under this bill?

Sen. BOSSIE: That is the problem in the State of New Hampshire, this is correct, we do know that there is a problem as Sen. Downing stated with the national banks. I think it should be corrected and I don't think by looking askew to this proposal that we would be gaining anything.

Sen. DOWNING: I arise in support of the majority report. Now without mixed emotions, I have a great deal of sympathy for what Sen. Bossie was trying to accomplish with his amendment. It just wasn't, I didn't feel it was going to do what he thought it was going to do and the difficulty with veterans applying and the FHA mortgages was going to continue and I think it would be more in order to have a resolution to the congress of the United States to get them to police this and to get them to do something about enforcing their own laws and taking the pressure off the banks, all of the banks are in competition with one another, if one does it the other has to do it. We should leave the law the way it is and let the Federal government enforce its own regulations.

Sen. PRESTON: Sen. Johnson, to follow up Sen. Bradley's previous question, what obligation does the seller have to the bank at the time of a sale?

Sen. JOHNSON: Would you repeat the question?

Sen. PRESTON: What obligations does the seller have to the bank at the time of a sale?

Sen. JOHNSON: I don't think the seller has too much obligation to the bank.

Sen. PRESTON: "Providing that banks that fix mortgages on real property may not levy a service charge against the seller of the property."

Sen. JOHNSON: They can't do it against the buyer, therefore, it is done that way and everybody agrees with it and I think Sen. Downing has a good idea.

Sen. LAMONTAGNE: Was there any representation from the VA?

Sen. JOHNSON: Yes, those quotes were from letters from Mr. Sullivan. He wrote, "the Veteran's Administration will not become involved officially with legislative matters in the individual states so I do not write to you in my official capacity as director of the VA regional office. Rather, I am writing to you as a citizen, and one who is concerned with Veteran legislation."

Sen. LAMONTAGNE: Then he is in opposition personally?

Sen. JOHNSON: He supports the majority report.

Sen. POULSEN: Mr. President, I move that HB 289 be indefinitely postponed. Where we had testimony from the head of the VA, who definitely didn't want this bill to pass because it had an adverse effect on the veterans. I sincerely urge everyone to kill this thing and indeed, so that we won't be hurting any veterans who need to borrow money and have lack of money and this is the reason why this action is necessary. The points are not charged to veterans, they are charged to the seller and if the seller makes the type of sale to a man that doesn't have a large down payment that is required under a conventional law, he can take this route and the seller pays a little bit more and it gives the buyer, in this case the veteran, a chance to buy. It's a consumer bill and I urge that we kill it and let it lie because it will hurt the consumer, who in this case is the veteran.

Sen. POULSEN: I move that HB 289 be indefinitely postponed.

Division: 9 Yeas, 10 Nays.

Motion lost.

Sen. BLAISDELL: Does a motion to recommit take precedence over a motion to indefinitely postpone?

The CHAIR: Yes a motion to recommit does have precedence over a motion to indefinitely postpone.

Sen. Blaisdell moved that HB 289 be recommitted to the Committee on Banks, Insurance and Claims.

Sen. BLAISDELL: Mr. President, to tell you the truth, I am thoroughly confused and I would like to see this bill back in

committee because I came here this evening with one view on this bill and I find now that I have another view and that is why I would like to see it go back to committee and if this is acceptable to Sen. Bossie I would appreciate it.

Division: 10 Yeas, 8 Nays.

Adopted.

Sen. NIXON: We have another guest here a member of the Sweepstakes Commission, George Langley.

SB 95

abolishing the position of assistant bank commissioner. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President this bill provides for the abolishing of the position of Assistant Bank Commissioner and removes reference to same in other sections of the RSA. This position has not been used for the past 4 years. This is an appointment by the Bank Commissioner and it is not a classified position. The Bank Commissioner recommended that a bank examiner position be created instead. However, this bill only abolishes the Assistant Bank Commissioner and I move the Committee Report Ought to Pass.

Adopted. Ordered to third reading.

SB 84

providing compensation for conservation officers injured in line of duty. Ought to pass with amendment. Sen. Sanborn for the Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Compensation for Line of Duty Injury. Amend RSA 206 by inserting after section 24-a, the following new section:

206:24-b Injury in Line of Duty. Any injury received by any classified employee of the Fish and Game Department who is empowered to make arrests in criminal cases, which, because of his assignment, patrol or duty requires that he be hospitalized or makes him unable to perform his normal or routine duties shall not be charged against his earned sick leave or annual

leave, and during such time his name shall remain on the payroll. The Director of the Fish and Game Department shall make the final determination as to whether the injury received is in line of duty and his decision is final, subject to approval of Governor and Council. The Director shall determine, based on the advice of a qualified physician, as to whether the employee is or is not able to resume his normal or routine duties and may require said employee to take on other lighter duties during said recovery period, subject to medical approval.

2 Effective Date. This act shall take effect on July 1, 1973.

Sen. SANBORN: Mr. President, this bill was first heard before the Commission on Banks Insurance and Claims and then it finally went to finance for its financial status. This bill provides for normal compensation to be made to a conservation officer injured in the line of duty, if hospitalized or to the extent that he is unable to perform in his normal or routine duties, without such compensation being charged against sick or annual leave. The Director of Fish and Game shall make the final determination whether injury is in line of duty subject to approval of Governor and Council. The Director of Fish and Game appeared before the Finance Committee and he said this was a good bill. As I remember early in the session we had a bill for one conservation officer who was seriously hurt last hunting season and we put through a bill to compensate him after all his sick leave had been used up. The principle of this bill was to cover such a situation if it happens in the future when the legislature is not in session and I highly recommend that this bill ought to pass.

Sen. BRADLEY: How does this provision compare with other types of state employees?

Sen. SANBORN: Actually we haven't had any requests for any other employees who might be injured in the line of duty. I believe the State Police are covered in such an area and this now covers the conservation officers during certain seasons of the year who are in hazardous situations.

Sen. BRADLEY: Is it pretty likely that if we pass this bill there will be other types of employees of the state that are going to want similar provisions to cover them?

Sen. SANBORN: We discussed this and we considered it would only be for those who are in hazardous situations like the

State Police or the Conservation Officers and a little dig to Sen. Poulsen, without hunter orange and in dangerous situations.

Sen. PRESTON: Would you consider an employee of the Public Works Department working for the state out on the road in sanding and salting operations that are injured in the line of duty to receive such compensation?

Sen. SANBORN: I don't see how under the present way they sand and salt on the highway, I couldn't consider it now — 20 years ago when I did it I would consider it hazardous duty. Nowadays things are pretty much all done by machine and all of the workers sit in the cab of the truck.

Amendment adopted. Ordered to third reading.

SB 70

relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties. Ought to pass. Sen. Sanborn for the Committee.

Sen. R. SMITH: This bill in effect establishes per diem rations to be paid to the State Police employees who incur expenses in the discharge of their duties. Such as meals, while they are on duty and for the cleaning of uniforms, etc. This bill attempts to cut the red tape in the operation of their expense accounts by offering to the State Police a per diem which would be established by Governor and Council and doing away with the expense account and the various areas of reporting these expenses. There are approximately 12 places where these expenses have to be checked between the State Police, supervisor, home office of the State Police and then at the Comptroller's office and eventually to the Treasurer's office. By doing this it seems to the committee that it will not only save time but it will save a great deal of effort in the bureaucracy now.

Sen. LAMONTAGNE: Can you tell me whether or not this will take care of some of the boys who are working in the State Police in the Safety Division when they are used for emergencies in the State Prison in making these number plates?

Sen. R. SMITH: It is my understanding that this bill only covers State Police. I think the committee looked into the question about such others as Conservation officers and motor ve-

hicle inspectors and it was felt at this time that the best system would be to set out with this group and to see how it works over a year or so and then maybe other legislation would come in to take care of other areas. This is started on an experimental basis and this is one of the more complex areas and one where it should commence.

Adopted. Ordered to third reading.

SJR 9

making an appropriation for additional office space for water resources board and state tax commission. Ought to pass. Sen. R. Smith for the Committee.

Sen. R. SMITH: SJR 9, very simply makes an appropriation for office space for the Water Resources Board and the State Tax Commission. As you know the Water Resources Board and the State Tax Commission are in temporary quarters within the City of Concord and they have moved and this bill merely pays the rent until June 30, 1973.

Adopted. Ordered to third reading.

SJR 10

making an appropriation for the leasing of Pillsbury St. Building. Ought to pass. Sen. Provost for the Committee.

Sen. PROVOST: Mr. President, this is the same thing as SJR 9. It makes an appropriation for the leasing of the building located at 1 Pillsbury Street and it is for two departments, CDP and the Labor Department. It only amounts to a little larger sum, 266,660.71. This is for a lease from June 1973 to June 30, 1975. It is for twenty-five months. This is the old building that the Health Department was in and they moved out and CDP and the Labor Department has taken it over.

Sen. MCLAUGHLIN: What is the rate per square foot?

Sen. PROVOST: We didn't come to that, it is \$128,000.00 a year for both years.

Sen. BLAISDELL: Isn't that a good example of why we should have a State Office Building instead of putting up \$266,000 for rent?

Sen. PROVOST: What we are paying for rent for two years we could build a building.

Sen. BLAISDELL: Isn't this a good time to start some plans to build an office building in this state?

Sen. PROVOST: I agree with you.

Sen. NIXON: There are a couple of people here that should be recognized, the Vice Chairman of the Grafton County Republican Committee, Kathleen Ward and also Mr. Raymond Burton.

Adopted. Ordered to third reading.

SB 17

relative to the allowable width and length of certain vehicles. Ought to pass. Sen. Poulsen for the Majority. Inexpedient to Legislate. Sen. Downing for the Minority.

Sen. POULSEN: We consider this bill unnecessary for the safety of New Hampshire. We had much testimony and in fact last year it was sent to an interim committee, which committee came out in favor of the bill. There are many factors why they were in favor of this and we amended it and the amendment includes the wording, "absolute maximum, including all parts and accessories attached thereto." This would be to manufacturers specifications so that they cannot be homemade. For further information on this I would like to defer to Sen. Lamontagne.

Sen. LAMONTAGNE: Mr. President, members of the Senate: First I would like to start out with tires on some of these trucks that I consider them to be safety.

TIRES:

Most 3 axle trucks used to have 9 inch tires, now they are 10 and 11 inch, giving 11% to 22% more road surface.

Safety: Modern tire casings, with more and heavier plies of modern synthetic cord material are simply much safer. It used to be common for loaded trucks to *blow out* tires, whereas a *blow out* today is a rarity.

WHEELS:

As with other components, the material used for, and the nature of the construction of wheels is such that broken wheels are a rarity. Not many years ago, a broken wheel was seemingly an everyday occurrence.

DRIVE TRAIN:

The size and strength of axles, drive shafts, gears, bearings, etc. in the entire drive train of modern trucks has been upgraded in order to avoid maintenance expense and has at the same time given an added safety bonus.

BRAKE SYSTEMS:

The braking systems of newer trucks is vastly improved over older models. I think it is safe to say that all trucks have greatly increased brake lining area. Most have increased in recent years from 5 inch wide linings to 7 inch wide linings, a factor of 40% increase.

In addition, a great many trucks are now equipped with air actuated brake systems, which in contrast to the older hydraulic systems are a *fail safe* system. That is, if anything leaks or is broken, *full* braking force is applied automatically.

FRAMES & SUSPENSION:

Use of modern hi-tensile steels in many of the components of truck frame and suspension systems have added tremendously to *safe*-load-carrying capacities. Springs in particular have been improved in their useful life strength retention properties, so that loaded trucks do not sway from side to side as used to be the case.

I only wish these doors were wide enough to bring one of these trucks in here to show you the difference. I am sorry the doors are not wide enough but I can take any one of you outside and show you the difference between these two trucks, one 96 inches and the other truck with 102 inches in it so could put them side by side and you would have a hard time telling difference, when in fact these is six inches difference, you're talking about three inches on each side, that's all you're talking about. That's three inches on one side and three on the other. Therefore, the 96 inches to 102 inches, I personally feel that we have on our highways trucks that were purchased by our public works department and some of these trucks are 102 inches. I measured some at 98 inches and everyone of those trucks are over the 96 inches as we now have in the law but one thing I hope you will bear in mind and that is, that we do have on our books a law that was passed about loading lumber sideways. I put that bill in several years ago and in the 102 inches if you look at the motor vehicle records you can see that we have had

no accidents because of the 102 inches. So now, I hope that the members of this Senate will see fit so that these trucks are for 102 inches, will be legalized because we now have them on the highways and the accident reports show none because they are extra wide and I only hope that you will go along with the majority report.

Sen. BLAISDELL: If we pass this bill and I'm driving one of these trucks into Massachusetts, will I get pinched?

Sen. LAMONTAGNE: No, you will not.

Sen. BLAISDELL: Is it true that the Federal government's law is 96 inches?

Sen. LAMONTAGNE: Let's not talk about lengths, there is no talk about lengths in this bill, and there is no weight in this bill. With the width of these trucks, there would be excluded on interstate highways.

Sen. BLAISDELL: What other states have this 102 inches?

Sen. LAMONTAGNE: Maine and Vermont have 102 inches. I think also Rhode Island and I think also that there are other states.

Sen. BLAISDELL: That leaves 48 other states. How long do you think it will take them to catch up with us?

Sen. LAMONTAGNE: By the way, California is also another one.

Sen. Downing moved that further consideration of SB 17 be indefinitely postponed.

Sen. DOWNING: Mr. President, I had originally filed a minority report and such a report does not allow the motion of indefinite postponement. Therefore, I made the motion that I did. I don't think that this should be entertained by this session of the legislature. I do this reluctantly and not without hesitation, being so far away from home and knowing where I am. However, the matter is serious enough that I had a complete report of the committee study on my findings and the testimony reproduced and distributed to all of the Senators. There is absolutely nothing in this report or testimony of the committee that would justify the passing of this bill. Two people appeared in favor of this bill, one being the sponsor and

one other. In favor of this bill was the N. H. Department of Public Works, New Hampshire Highway Safety Commission, New Hampshire Division of AAA, New Hampshire Society of Professional Engineers, the Congress of the United States has been firmly opposed to it as far as interstate highways go. If you increase the size of these vehicles, there is only one place for them to go, on the secondary roads and we all know that the secondary roads can't handle what they have now, never mind the three inches on one side and the three inches on the other, whether it's six inches, the roads just simply can't handle the hazard of having these other vehicles on the road. In my thinking and remembering that only two people appeared in support of this bill, I refer you to the last pages of the report you can look and see the opposition, the people in opposition, there are pages of them. This is just not organization but individual citizens, who not only appeared but also wrote in and telephoned and the chairman reported all of them to the best of my knowledge and along with that, the committee report itself the eight member committee, it was a three to two vote with two members opposed that put this bill before you tonight. In my opinion, if the whole committee had been there it wouldn't be here at all tonight. I urge you, tires have nothing to do with it, brake linings have nothing to do with it, it's the six inches the lumbermen have nothing to do with it, let the lumbermen haul their lumber that they have been doing within the laws, but leave the room on the roads that the rest of the people need. I urge you to support the motion to indefinitely postpone it.

Sen. LAMONTAGNE: Sen. Downing, are you aware that this bill passed the Senate two years ago and didn't you vote for it?

Sen. DOWNING: I don't recall that I voted for this two years ago and if it was passed by the Senate I am sure that it was more of a courtesy to the sponsor and not to the reasonableness of the legislation.

Sen. LAMONTAGNE: Are you aware that the Director of the Motor Vehicles Department, Frederick Clarke, is in favor of this bill?

Sen. DOWNING: I am aware that he is in favor of this bill along with yourself, that being the only two people in favor of it. I asked the representative of his department why he sup-

ported it and he said that the only reason was because, "we supported it last year."

Sen. LAMONTAGNE: Could you tell us that the people who appeared before the committee on transportation that they were the people from the AAA and that they were the people who registered themselves against the trucking industry?

Sen. DOWNING: The AAA was there. I offer you that the New Hampshire Department of Public Works is not part of the AAA, The New Hampshire Department Safety Commission is not part of the AAA, the New Hampshire Society of Professional Engineers is not part of the AAA and the Congress of the United States is not part of the AAA, and the other hundred people who have their names and addresses there for you to look at, you being the judge whether they are members of the AAA?

Sen. LAMONTAGNE: Can you tell us what is going to happen to the trucks owned by the State of New Hampshire? The one over 96 inches?

Sen. DOWNING: I didn't want to get into your testimony relative to that but as long as you posed the question, they testified that there were a couple of vehicles in the Public Works Department that measured 98 inches, out to out relative to tires. It seems that there was a thinking, that this was the type of tire that was being produced but they are very few in number and the Department of Public Works are very aware of it and concerned about it. They did mention that they do have plows that are wider than that and they are emergency type vehicles designed to do emergency type work and that they are not the standard vehicle of everyday driving on our highways.

Sen. LAMONTAGNE: As far as plows have always been excluded from any laws that we have before us. So therefore, we are not talking about plows. We are talking about the many, many pieces of equipment that are on the highway of the state of New Hampshire and therefore, the New Hampshire truckers, isn't this so? You were at the hearing and you heard the statements that were made by me, haven't you been told that these trucks here, that they will have to come off the road if they are registered in New Hampshire and that if these trucks are from the state of Maine they can come into New Hampshire?

Sen. DOWNING: I heard of the testimony, the testimony I heard was that trucks could come into New Hampshire, unless the Department of Motor Vehicles enforced the law, which for some strange reason they are reluctant to do and that's why they are supporting the bill. There is no other agency in the state of New Hampshire that is in support of this bill other than the Department of Motor Vehicles and they are just not living up to their own responsibility.

Sen. POULSEN: Sen. Downing, do you take exception to the findings of the interim committee which was made up of the Transportation Committee of the House and the Public Works and the Transportation Committee of the Senate. Do you think that this committee did not do its duty in coming in with the conclusion that this should pass?

Sen. DOWNING: Sen. Poulsen, you know that I was a member of that committee and you know I filed a minority report and you are well aware that I took exception to it.

Sen. POULSEN: Sen. Downing, you sell equipment, do you in your business sell concrete mixers?

Sen. DOWNING: No, I don't.

Sen. POULSEN: That's good, because I am quite sure that they are more than 96 inches.

Sen. DOWNING: I am aware of what you said Senator and I think everybody ought to be reminded that there is a provision within the law to make exception for those vehicles. If there are they will go through the proper permit process. It isn't that every vehicle over the limit will be excluded from the highways, they will go and get a permit from Public Works so that they will be satisfied that no bridge will be in danger and that it won't create a hazard for the public good and then they will be permitted.

Sen. BOSSIE: As has been stated here, there are trucks in New Hampshire over 96 inches in width and isn't true that there are trucks in the state of New Hampshire that are wider than 96 inches? And they have been widened to make them more than 96 inches?

Sen. DOWNING: I don't know if that's true.

Sen. GREEN: Mr. President I rise in support of the motion on the floor to indefinitely postpone SB 17. I am not a member of this committee and I am not rising because I am in opposition to the trucking industry. I rise because I am concerned about the safety of New Hampshire citizens on the road. I firmly believe that if this bill does pass, that it will create a safety hazard on the New Hampshire highways. I tend to figure this in mathematical terms. If the trucks are allowed to be wider and there are over 1,000 miles of state roads that are 19 feet wide, under and I have a hard time convincing myself of how these two fat trucks are going to get by each other. They would have to stop and one let the other one go by. I am concerned about this and I have received a lot of communications and correspondence about this. I feel that Sen. Downing's motion is in the best interest to the safety of the citizens of New Hampshire.

Sen. LAMONTAGNE: Sen. Green, did you or did you not hear Sen. Downing say that some of these trucks can operate in New Hampshire if they get a permit?

Sen. GREEN: Yes, I did Sen. Lamontagne. I also understood him to say that the permits will be issued on the basis that the Public Works Department is satisfied and that the roads that are going to be used will be able to handle it.

Sen. POULSEN: Sen. Green, can you think of a road that you have been on in the last five years that you haven't met about a twelve foot trailer being towed?

Sen. GREEN: Yes, I can think of the road.

Sen. POULSEN: That would be a back road?

Sen. GREEN: Yes, sir.

Sen. SANBORN: Mr. President, I along with Sen. Downing signed the minority report for the Transportation committee and I am convinced by the large amount of testimony that was brought before us by the various committees Public Works, Public Safety, and the Engineers that this is at this time a poor bill for the state of New Hampshire to be passing, as noted in the papers today, Sen. Green just mentioned there are only 1550 miles of highway in the state of New Hampshire that are twenty-four feet wide. The majority of this lies in the interstate highway program and the Congress of the United States

reaffirmed that within the last month, that no trucks over 96 inches could use the interstate highways. There again, forcing all trucks over that weight onto the secondary highways. Again as Sen. Green has pointed out, there are 1067 miles of highway in this state that are 19 feet wider or under. We had a bill before the committee, not within the last week but relative to bridges and the class 2 highway system. 56 bridges and class 2 highways systems are still under the maintenance of the towns in which they are and most of those bridges have class 2 highways over them, this has been for the last 40 or 50 years. The actual condition of the bridges until legislation is passed in the House it is unknown. These bridges, some of them in the north country, some in the south could collapse with over a six ton weight. I know of one bridge personally that is under the class two highway system that is still an old brick stone bridge and Lord only knows how much longer it is going to stand up. There was one other thing relative to Sen. Lamontagne's speech on the safety, it is true that there are much wider brake bands on the newer trucks and it is true that this does not effect any of the old trucks on the road but just the nice new brake bands to make the trucks stop so much quicker and easier. However, there is one thing that he failed to mention, this is safety for the truck and death for the car behind it. Because each and every one of these trucks create behind it a turbulence and the people and the people who are in the racing business have learned to get closely behind these vehicles when there is a slight vacuum of air created by the turbulence immediately behind the vehicle. These smaller cars get the turbulence behind the big trucks and they are being pulled along by the truck and if the truck stops suddenly with its nice big brake bands, the car is now underneath the truck. Somebody else has died. So that means the wider the truck, the larger the turbulence and motor vehicles will drag behind them. This was brought out by the engineers that reported through this committee and I urge the support of Sen. Downing's motion.

Sen. LAMONTANGE: Sen. Sanborn, are you familiar with the amendment?

Sen. SANBORN: Yes, I am quite familiar with it.

Sen. LAMONTAGNE: Will you state the amendment?

Sen. SANBORN: The amendment that is requested says 102 inches absolute, which means that in the next session of the Senate that they can come up with 108 inches absolute and so on and so on.

Sen. LAMONTAGNE: Isn't there something else besides the absolute?

Sen. SANBORN: If there is, I request that you tell me.

Sen. LAMONTAGNE: Manufacturers specifications.

Sen. SANBORN: Right.

Sen. LAMONTAGNE: So therefore, how would the old trucks have any effect if the amendment says manufacturers specifications?

Sen. SANBORN: In this way you talked earlier in your speech about the brake bands on the new trucks. I made the statement that the new brake bands on the new trucks don't effect the old brake bands on the old trucks. The next part relative to new trucks that may be well and good. You are saying that the manufacturers specifications, you can buy yourself a truck and you can come up here to Berlin and put a body of any width the way it reads here.

Sen. PRESTON: Is there anything indicated in this bill that implies that the width you suggested could not be used on interstate highways?

Sen. LAMONTAGNE: The trucks will not be able to. Any truck that is 72,282 lbs. will be excluded from interstate highways.

Sen. JOHNSON: I move the previous motion. Seconded by Sens. Green and Provost.

Adopted.

Roll call requested by Sen. Lamontagne, seconded by Sen. Porter.

Yeas: S. Smith, Gardner, Bradley, Green, Spanos, Blaisdell, Porter, R. Smith, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston, and Foley.

Nays: Lamontagne, Poulsen, Nixon, McLaughlin.

Result: 16 Yeas, 4 Nays.

Motion carried. SB 17 indefinitely postponed.

SB 114

providing for a snow-making system for Mount Sunapee State Park, and making an appropriation therefor. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. Poulsen moved that SB 114 be made a Special Order of Business for 1:03 Tuesday April 24th.

Sen. POULSEN: One of the sponsors of this bill is Sen. Jacobson and he was not able to be here this evening and he didn't dare to leave it with Sen. Spanos to defend and this is the reason for the Special Order of Business.

Adopted.

SB 93

prohibiting any person from riding in any type of trailer while being moved upon a highway. Ought to pass with amendment. Sen. McLaughlin for the Committee.

AMENDMENT

Amend RSA 262-A:78 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

262-A:78 Riding in Trailers. No person or persons shall occupy any type of house trailer or automobile utility trailer as defined by RSA 259:1, XXXI-a, while it is being moved upon a highway.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Definition of Terms. Amend RSA 259:1, as amended by inserting after paragraph XXXI, the following new paragraph:

XXXI-a "Automobile Utility Trailer", any trailer suitable for towing by a passenger automobile, the use of which is confined to the hauling by passenger automobile of personal property for intrastate or interstate use.

3 Effective Date. This act shall take effect sixty days after passage.

Sen. MCLAUGHLIN: You can refer to page 68 of the Calendar for the amendment. The bill specifies that no person or persons shall occupy any types of house trailer or automobile utility trailer as defined by RSA 259:1, while it is being moved upon a highway. It also says that "automobile utility trailer," any trailer suitable for towing by a passenger automobile, the use of which is confined to the hauling of passenger automobile of personal property for interstate use. I move the committee report ought to pass.

Sen. PROVOST: Who is going to notify the other 49 states of this law when they are coming into New Hampshire?

Sen. MCLAUGHLIN: The State Police when they cross the line. What this bill is saying in essence is that most of the utility trailers are used to picking up leaves and something else and they decide to transport people on the back, the State Police said that there had been numerous accidents caused by people riding on these small utility trailers being towed by cars.

Amendment adopted. Ordered to third reading.

SB 104

providing for the acquisition of Gile Forest and making an appropriation therefor. Ought to pass. Sen. Porter for the Committee.

Mr. President, SB 104 was introduced by Sen. Jacobson and Sen. Spanos. Obviously Sen. Jacobson felt that Sen. Spanos would do well for this bill tonight. I am sure we will hear from Sen. Spanos but what this bill does is authorize the Commissioner of Resources and Economic Development, with the consent of the Governor and Council to acquire the Gile Forest which is a tract of undeveloped forest land of about 6,500 acres in Springfield and Wilmot. Under acquisition the Gile Forest would be maintained as a public reservation as provided in RSA 219. The appropriation calls for the sum of \$780,000.00. Commissioner Gilman has claimed that this project will qualify for revenue sharing funds. A hearing on this bill was held in New London last Tuesday night and there were approximately 150 citizens who appeared on behalf of this bill and there were 27 speakers with one in opposition. At this point I would like to defer to Sen. Spanos to explain some of the aspects of the bill.

Sen. SPANOS: The John F. Gile Memorial Forest, about 6,500 acres and is located primarily in Springfield, N. H. with a few hundred acres in Wilmot. And is owned since 1956 by Dartmouth College. The tract is located in the northeasterly corner of Springfield, and is roughly bisected by Route 4-A, which runs through the Forest a distance of more than two miles. The Forest was dedicated by Dartmouth to Dr. John F. Gile, a long-time Dartmouth Trustee, and there is also a way-side area on Route 4-A dedicated to Walter C. Gardner who conveyed the tract to Dartmouth.

In former times the land comprising Gile Forest was farmed, but today there are no improvements upon the tract, and there is little if any open land remaining. The tract has been lumbered extensively by Gardner and Dartmouth, and today there is little mature timber on the tract. The land itself is typical New Hampshire woodland, with no particularly distinguishing features. There are several thousand feet of frontage on Butterfield Pond in Wilmot and on Morgan Pond in Springfield and is the Town of New London's water supply.

For several years Dartmouth has apparently been considering the sale of Gile Forest, as it does not fit in with any of its educational or other projects. Dartmouth has always maintained that it purchased the Gile Forest primarily for investment, and in the summer of 1972 it placed the property on the market. Concurrently, Dartmouth retained John Hyde Associates, who made a formal appraisal of the premises, concluding that its present market value is about \$750,000.

During the fall of 1972, a group of citizens of Springfield and surrounding towns formed themselves into a committee to see if something might be done to insure that the ultimate disposition of the Gile Forest would be beneficial to Springfield and the other towns in the area. Although some local citizens feel that the town cannot afford to have Gile Forest, which comprises one-quarter of the area of the town, permanently removed from the tax rolls, there seem to be substantial sentiment for trying to organize some solution which would involve the permanent dedication of at least the larger part of the Gile Forest to some conservation or other public purpose.

Accordingly, this special committee, the membership of which is shown on the attached list, contacted Dartmouth and

is presently in the final stages of negotiating an option to purchase the premises. Under the terms of the proposed option, the purchase price will be seven hundred thousand dollars, but Dartmouth would retain for permanent dedication to conservation purposes two strips along Route 4-A each two hundred feet deep. Dartmouth has indicated that if the rest of Gile Forest were ultimately to be dedicated for some public purpose, Dartmouth would be willing to convey the two hundred foot strips without consideration as its contribution to such a project. The price of the option, to run a full year, is to be fifteen thousand dollars, which will be underwritten by pledges made by about twenty-four citizens in the area. It is hoped that the option with Dartmouth can be firmed up within the next several weeks.

After some exploration, it became apparent to the committee that neither the Town of Springfield nor any local private group was likely to be able to raise the sort of money necessary to purchase and maintain the Gile Forest for any public purpose. Thus in December the committee approached Commissioner Gilman in DRED, and was also in contact with Director Corson of the Fish and Game Department. Both DRED and Fish and Game were very much interested in the prospect that Gile Forest might be acquired by the State of New Hampshire, and after some conversation it appeared that it would make an excellent State Forest under the administration of DRED, with some Fish and Game Department participation. However, by this time it was too late for the project to be included in the capital budget of either Department.

Under these circumstances, and assured of the enthusiastic support of DRED and Fish and Game, the Springfield committee approached Sen. Jacobson and myself who were also enthusiastic, and we agreed to co-sponsor a bill to authorize the acquisition of the entire Gile Forest by the State of New Hampshire for use as a State Forest, and for the appropriation of capital funds for its purchase, utilizing the regular State bonding machinery. The bill is currently in draft form, with the details being worked out, and it is expected that it will be introduced within a week.

Under applicable Federal and State funding and land acquisition practices, if the General Court enacts the bill and it is signed by the Governor, then two independent appraisals of

the property must be made. Upon the basis of these appraisals, a firm and specific proposal will be framed for final approval by Governor and Council. Assuming that the premises were appraised at \$750,000, there would then be available Federal funds from Bureau of Outdoor Recreation on a 50-50 matching basis. Thus for practical purposes, the Federal Government would provide \$375,000, the State of New Hampshire would provide \$325,000, and Dartmouth, as noted above, would contribute without consideration the portion of the premises worth approximately \$50,000. (The cost to the U.S. will be around \$50.00 per acre.)

The overriding consideration which has struck the members of the Springfield committee is that the Gile Forest is one of the last large tracts of land in New Hampshire south of the White Mountains which is not already either in the hands of developers or in the process of development. This is truly an opportunity which is not likely to come again.

I urge your consideration at this time and it will go to the Finance Committee and after they pass it I hope we will pass it again.

Sen. BROWN: I rise in support of SB 104. I would like to add one thing that Sen. Spanos left out. There are two tracts of land, I think Route 4-A going to Wilmot, there is about 5½ miles or about 200 acres that is also land that will go to the state if this bill passes. I urge your support of this bill.

Adopted. Referred to Finance.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until next Tuesday in Concord at 1:00 and with thanks to Mayor Croteau and his lovely wife of Berlin for the gracious greeting from the entire north country and for the beautiful welcome sign on Main Street, thanks to Mrs. Laurette Savard, our talented piano player, the Veterans from Gorham and Berlin for doing such an outstanding job in posting the Colors, Father Jim for his opening prayer, the Principal of the Berlin Voch/Tech College, Mr. Olsen for the use of these beautiful facilities, The Freshman Culinary Arts Students under the direction of their Senior Instructor Norma Andrews,

the security and parking officials. The Granite State Rubber Company and Mr. Dean and the entire Brown Company for their great assistance, The hometown Senate Committee from Berlin and to all of the people in the North Country for making this a most memorable occasion and when we adjourn we adjourn in honor of Mrs. Lamontagne, Sen. Lamontagne's lovely mother who is here this evening.

LATE SESSION

Third reading and final passage

Sen. SPANOS: I move that the rules of this Senate be so far suspended as to place on third reading and final passage at this time SB 93, SB 95, SB 84, SB 70, SJR 9, SJR 10, and further that we dispense with the reading of the title and assign the titles previously read by the chair.

Adopted.

SB 95, abolishing the position of assistant bank commissioner.

SB 84, providing compensation for conservation officers injured in line of duty.

SB 70, relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties.

SJR 9, making an appropriation for additional office space for water resources board and state tax commission.

SJR 10, making an appropriation for the leasing of Pillsbury St. Building.

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway.

Adopted.

Sen. Lamontagne moved the Senate adjourn at 9:35 p.m.

Tuesday, 24Apr73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord, of our life, and God of our salvation, we adore Thee this Holy season, for the hope and the inspiration which Thou has given to all mankind.

Grant that every decision we take is sanctified by Thy Divine Spirit as we fully share in our duties in this Senate. Amen.

Pledge of Allegiance was led by Masters Jeffrey Bradley and Thomas Dey.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 142, amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board. (Sen. Green of Dist. 6 — To Education.)

SB 143, amending the Rochester city charter to provide for a five-member police commission, one member elected from each ward. (Sen. Green of Dist. 6 — To Executive Departments, Municipal and County Governments.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 576, relative to guardianship statutes. Judiciary.

HB 707, providing that the flag of the United States shall be displayed and flown at polling places. Executive Departments.

HB 724, relative to reporting new owners of mobile homes. Executive Departments.

HB 735, to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance. Executive Departments.

HB 746, relative to the date of annual town meetings. Executive Departments.

HB 474, increasing the mileage allowance for sheriffs and deputies in Rockingham county. Judiciary.

HB 598, relative to misuse of special circumstances welfare grants. Public Health and Welfare.

HB 603, relative to sale of ice cream by weight. Public Health and Welfare.

HB 308, relative to the income and operating charges of state buildings at Eastern States Exposition. Recreation and Development.

HB 514, relative to representative school district voting rights in supervisory union matters. Executive Departments.

HB 438, relative to habitual offenders of the motor vehicle laws. Judiciary.

HB 59, increasing the deduction for personal services contributed to the operation of rental property for partnerships and proprietorships from the business profits tax. Ways and Means.

HOUSE CONCURRENCE

SB 33, relative to payment of court fees for breath tests of blood alcohol content.

SB 48, relating to times and places of holding regular terms of probate court in Cheshire county.

SB 58, clarifying definitions under the charitable trust statutes.

SB 19, to further protect the citizens of New Hampshire from unfair and discriminatory practices.

CONCURRENCE BY THE HOUSE ON HOUSE BILL WITH SENATE AMENDMENT

HB 72, relative to requirements and prohibitions for county officers and employees.

HB 370, relative to the appointment and removal of medical referees by the county commissioners.

NONCONCURRENCE BY THE HOUSE AND REQUEST FOR COMMITTEE OF CONFERENCE

HB 270, relative to county elections and vacancies of county offices.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives Reps. Hanson, Merrill, Bednar, Ezra B. Mann, and Davis.

On motion of Sen. Jacobson, the Senate voted to accede to the request for a Committee of Conference.

Adopted.

Introduction of Joseph Vitek, Warden of the State Prison.

Mr. President and Honorable Members of the Senate:

It is an honor and a pleasure for me to appear and speak before the Senate of the State of New Hampshire.

I believe it to be highly beneficial to the interests of our state to have reports such as this made directly to legislative bodies as to the status of agencies such as the State Prison. In light of the problems that are currently occurring in our own State Prison, as well as in prisons and correctional institutions throughout the United States, it is even more cogent.

Those of us who are workers in the field of corrections are charged with a mandate by the people of the State of New Hampshire that is twofold. One aspect of the mandate is that of security, which means the safekeeping of a prisoner during the lawful period of his confinement. The statutes state that the State Prison at Concord shall be the general penitentiary of the state for the punishment and reformation of criminals. Penal philosophy here and across the country is that men are sentenced to prison *as* punishment, not *for* punishment.

Our State Prison, as we know it today, is almost one hundred years old. The age of the physical plant bears directly on our ability to develop and innovate in the second aspect of our mandate — to work in the area of reformation or rehabilitation. In spite of the handicap of an old physical plant, the New Hampshire State Prison has, for many years, been innovative in the development of programs and services to the man confined. Many of these innovations were well ahead of what can be termed the current prison reform movement. Some of them are as follows:

- 1) A modern and up-dated inmate library
- 2) Academic educational programs
- 3) Modern, federally-funded, vocational training programs of Auto Mechanics and Small Engine Repair
- 4) Live entertainment programs for inmates

5) Varied recreational programs, including night recreation time that allows men to come out of their cells in the evening hours

6) A staffed Vocational Rehabilitation program that is provided by the State Department of Education which provides vocational counselling and aftercare services

7) A community release program that permits inmates to work and earn money in the community, as well as allowing men to attend trade and academic schools

8) A federally-funded mental health program

9) Permitting inmates to have personal, individual radios and television sets in their cells, including Cable TV services

10) Hot water faucets in each cell, which is not significant until compared with most prison cells that do not have hot water faucets

11) A Jaycee Chapter, chartered in 1971, that allows men to participate in a form of self-government, as well as operating a business venture such as a hot sandwich snack bar

12) A hobbycraft program that allows men to occupy their free time in woodworking, leathercraft, painting, etc.

13) A daily wage of seventy-five cents for all inmates that are working and maintaining good conduct. Most prisons do not have across-the-board inmate wages.

The previously mentioned items are only a brief indication of the activities of the total institution. The prison has a population of 250 men at this time and a staff of 110. During the time of the innovation of new programs, the staffing pattern of security people has only increased with the introduction of night recreation time. The point to consider here is that the level of supervision has decreased through the years because current staff have had an increase in duties, responsibilities and activities which directly curtail their ability to perform basic security supervision procedures. An increase in responding to inmates' requests and inquiries further burdens the staff because of the lack of an effective internal communications system. Communications and documentation of daily activities are also hampered because of a huge increase in the clerical workload and, yet, the State Prison has basically the same clerical staff as they

had over ten years ago. Although the prison's inmate population appears to be the same amount as it was ten years ago, it is important to note that we now turn over twice as many inmates, thus doubling the workload.

Currently the New Hampshire State Prison has been in public focus because of the lockup that occurred last month. The following remarks are substantially the report that I gave to the Governor and Council on March 12, 1973:

On Tuesday, March 6, 1973, at 7:45 A.M., I ordered that the New Hampshire State Prison be placed on an emergency general lock-up status. Governor Thomson, the State Police and the City of Concord Police Department were notified of the emergency, as were the members of the Board of Prison Trustees. The reasons for my placing the institution on emergency status are as follows:

1. Information had come to me that an escape attempt was to be tried in the near future and that the escape attempt might be cloaked with a disturbance or riot. Rumors indicated in the past that several handguns had been brought into the prison in July 1972. A loaded gun had been found at that time and rumors of a second gun persisted and increased most recently, along with information that other weaponry of unknown quantity was being stock-piled for a riot and/or escape attempt.

2. Staff morale was slipping rapidly as a result of increased inmate tension, agitation and aggravations. Employee insecurity, as relates to their ability to maintain discipline, control and security of the institution, was increasing because court decisions here and across the country are decreeing that prisoners will have more rights within penal institutions and conversely, that correctional staff will have less rights.

3. During the weeks prior to the lock-up, we observed that the more radical prisoners were congregating together during recreation periods and making noise disorders, coupled with more brazen and frequent shouting of derisive words, such as "Pig," "Oink, Oink," "Screws," and other obscenities. This type of incident, that bordered on mob action, occurred the night before the lock-up was ordered. I personally heard and witnessed a portion of that incident. This was tied in with rumors on that day that something was to happen on March 6th and was further coupled with the incident that occurred a

week before in the form of work stoppages and inmates' demands.

4. Over the past years we were experiencing the introduction of drugs of various varieties into the institution. In conjunction with misuse of normally prescribed medication in the prison, our biggest problem with drugs has apparently been occurring by having visitors either bring drugs in on their person or hide them in bags of groceries that they were allowed to bring in to the prisoners. Although we were checking the bags, realistically, we admit that we could not completely check every item thoroughly because of the volume involved. We are now conducting searches of inmates after visits. Our ability to search visitors will depend upon remodeling our Reception Room and acquiring funds to hire women searchers. The over 50-year-old practice of allowing grocery bags in along with the old practice of allowing prisoners to have pocket knives, have been abolished.

At 8:00 A.M. on March 6, 1973, when the cell doors were to be opened, some of the inmates began shouting and hollering. This increased in tempo until it can accurately be described as thirty to fifty inmates rioting in their cells. The State Police and City of Concord Police Department responded instantly to our request for additional manpower. We then began a systematic search of the cells and prison buildings.

The staff of the State Prison, particularly the security people, must be allowed to develop professionally to the operating and efficiency level of the State Police. I am specifically speaking of meaningful basic and on-going in-service training, of appropriately equipping the staff and institution so that it can operate with confidence and efficiency on every level as opposed to the baling wire mechanics approach we are required to use to exist on a daily basis. I am speaking of provided living wages for the staff who live day to day with tension and crisis, of instituting an equitable retirement system that will provide for retirement after twenty years on a comparable level with law enforcement agencies and fire departments. Does anyone question the hazardous conditions that line correctional officers face?

There are currently speculations being made as to whether the general lock-up ordered by me was the wrong thing to do or whether or not, in fact, it was late in coming. It was my

assessment on the morning of March 6, 1973 that substantial evidence existed that the situation at the State Prison was rapidly deteriorating to a highly dangerous state, whereby the issue was — Would the staff control the institution or would chaos prevail? Whatever damage occurred in the cells recently is minimal compared to the potential that existed for a violent riot that in our estimation was headed for physical harm or death for prisoners and staff and widespread destruction to state property, as well as the possibility of any riot spilling over our walls and threatening the surrounding community. (End)

At this time the vast majority of inmates have been returned to normal work assignments. Inmates still remaining in lock-up status are confined to their cells for specific disciplinary violations related to the lock-up. Three prisoners are systematically being given disciplinary hearings that comply with Federal Court guidelines of "due process."

I indicated earlier that the need for the lock-up was being questioned. Shortly after going into our emergency general lock-up, I was in contact with a correctional official of one of our sister New England states. That person indicated that it was possible that their prison would "blow up." Several days later, correctional officers from that prison were in Concord to transfer a prisoner and they also indicated to us that their institution was very tense. Several weeks later we received news reports that the concerned institution had a riot that resulted in injuries to people and caused over a million dollars damage. Had we not secured our own institution, the probability existed, in my professional judgment, that we would have had similar serious problems.

Confinement in any correctional institution is a negative experience in many ways. It is our hope that we can continue to move forward with the meaningful rehabilitation programs that will assist our prisoners in preparing for a successful return to society. The majority of men confined in the State Prison are working to correct their lives and become good citizens. The general lock-up was a harsh situation for inmates, as well as staff. The confiscation of weapons (including a loaded automatic pistol), drugs and the reinforcement of security procedures have relieved the anxiety and threats of violence that existed prior to the lock-up. It must be recognized that rehabilitation and treatment in a prison setting cannot be viable unless

an atmosphere exists that allows the prisoners and staff to work together in achieving the common good, welfare and safety of everyone.

Sen. LAMONTAGNE: Warden, do you have any of the inmates locked up now — are they still locked up now or are they released?

WARDEN VITEK: 200 men are working currently on work assignments. There are 50 men that are still locked up pending disciplinary action related to the lockup itself, whereas officers were present, property damage occurred in the cells, overgestures of trying to spear officers with broomsticks, etc., shouting of obscenities and the threat to officers after the lockup — because of the due process requirements that have been handed down by the federal courts we must, on every level of discipline now, give a hearing to prisoners which allows them to call their own witnesses, cross-examine our witnesses, in order words, we set up a regular kind of court.

Sen. McCLAUGHLIN: Warden are you short of correction officers at the present time and if so why?

WARDEN VITEK: As I said in my remarks Senator, the increase in the programs within the institution itself has caused many of our staff to receive extra duties piled on top of what they previously had to do. Our correctional officers now have many things to do in the prescribing of appropriate medical treatment, many times our prisoners have to be transported to the New Hampshire Hospital or to Concord Hospital or whatever. This takes staff personnel. We are being tied up in all kinds of special situations, vocational programs, academic programs, what has happened is that we have expanded the program activities and we have stretched our correctional security staff out very thin so that basically we are not giving what we call direct supervision to the men.

Sen. McLAUGHLIN: Are you short of members on your staff at the present time?

WARDEN VITEK: Yes, we are short approximately five, Senator.

Sen. McLAUGHLIN: What is the reason why you feel that you are short?

WARDEN VITEK: There are two reasons, basically, that we can take. One is that the pay is not such that it attracts a family man to come to work. A man cannot support his family on a little over \$100.00 a week. Secondly, because of the great upheaval and turmoil across the country, which is normally a dangerous profession anyway, becomes even more so when it becomes oversensationalized throughout the country. West Va. had a riot recently. Men are counseled against securing employment in a prison by their families.

Sen. FERDINANDO: It appeared in reading the newspapers that you had a hard time discovering one of the guns. Is there not such a thing as a pistol detector?

WARDEN VITEK: Well there is no such thing as a pistol detector per se. There are what you call metal detectors. We currently have a hand-frisking unit that we used during the lockup and the search for the frisking of mattresses or other areas. However, to be able to get a metal detector you would almost have to know what you were looking for. We found the particular pistol on March 12th some six days after the lockup, and I might also add that we are now in the process of applying the metal detector, as you walk through an airport — the same kind — this we are getting through a grant from the Governor's Crime Commisison, but you just can't find anything by frisking, you have to search everything.

Sen. GREEN: In your presentation, Warden, you made reference to communication problems. I have had the opportunity to hear you speak in length on this problem and I thought it would be nice for the Senators to know what the actual communication crises is.

WARDEN VITEK: Well it is multi-fold. We have outside telephone lines coming into the instiution. One line comes into the Warden's office, one line comes into Deputy's office, another line goes into the Industrial office and these are all separate lines. That patricular day the one line that came into the Warden's office just went out of kilter. Mix that in with the fact of internal communication system. We have a telephone system that has to be over fifty years old. It must have been the first dial system or type of dial system installed anywhere. And if you dial one number you may get another and we only have about ten phones like that and their value is nebulous because

you can barely hear out of them, only some very basic information. We don't have any radio system within the institution to be able to contact supervisors or respond to emergencies and their situations. We have an old intercom system that's over twenty-five years old which can only be used in certain areas and with a lack of confidentiality. We have a very difficult time in just communicating with each other within the State Prison. For instance, if a lieutenant should be in the midst of breaking up a problem he has to get somebody to go running to get somebody who might be near a telephone or intercom. I think our need for a better communication system can be seen from a hard carpet standpoint.

Sen. CLAVEAU: What outside work do you do at the prison other than number plates and printing?

WARDEN VITEK: You mean industrially? We have a license plate shop as you know, which is sometimes criticized because people say where else in the world can a guy get a job making license plates except for another State Prison? But realistically, the idea of the free training involved, learning to work with metal products, learning to use the presses and the equipment at hand for any kind of metal job. Besides that we have the printing, as you mentioned, that you call letter press and offset press and we do a pretty modern job and all our work is done for the state government here in Concord. In addition to that we have the wood shop. We make picnic benches, and we do a lot of furniture for either the State House or state offices.

Sen. CLAVEAU: Do you know how far behind you are in the number plates? I see some people still using 1972 number plates?

WARDEN VITEK: I don't think we're too far behind right now. I think we're pretty cleaned up. With the help of some civilians we are pretty well caught up.

ENROLLED BILLS AMENDMENT

HB 48, relative to enforcement of orders of tax commission for abatement of taxes. Sen. R. Smith for the Committee.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Tax Abatement. Amend RSA 76:16-a by striking out said section and inserting in place thereof the following:

76:16-a By Tax Commission.

I. Application. If the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of chapter 74, upon payment of an application fee of ten dollars, may, within six months after notice of such tax, and not afterwards, apply in writing to the state tax commission which after inquiry and investigation shall hold a hearing if requested as herein provided and shall make such order thereon as justice requires and such order shall be enforceable as provided hereafter.

II. Notices. Upon receipt of an application under the provisions of paragraph I the tax commission shall give notice in writing to the affected town or city of the receipt of the application by mailing such notice to the town or city clerk thereof by certified mail. Such town or city may request in writing a hearing on such application within thirty days after the mailing of such notice and not thereafter. If a hearing is requested by a town or city the tax commission shall not less than thirty days prior to the date of hearing upon such application give notice of the time and place of such hearing to the applicant and the town or city in writing. Nothing contained herein shall be construed to limit the rights of taxpayers to a hearing before the tax commission.

III. Conduct at Hearing. The applicant and the town or city shall be entitled to appear by counsel, may present evidence to the tax commission and may subpoena witnesses. Either party may request that a stenographic record be kept of the hearing. Any investigative report filed by the staff of the tax commission shall be made a part of such record.

IV. Rules of Evidence. In such hearing, the tax commission shall not be bound by the technical rules of evidence.

V. Appeal. Either party aggrieved by the decision of the tax commission may, within thirty days notice in writing of the decision of the tax commission, file notice of appeal to the supreme court specifying all the grounds upon which such party bases his objections. For the purposes of such appeal the findings of fact by the commission shall be final and any such appeal shall be limited to questions of law. An election by an ap-

plicant to appeal in accordance with this paragraph shall be deemed a waiver of any right to petition the superior court in accordance with RSA 76:17.

VI. Enforcement of Order. A copy of an order of abatement ordered by the tax commission, attested as such by the secretary of the tax commission, if no appeal is taken hereunder or under RSA 76:17, may be filed in the superior court for the county or in the Merrimack county superior court at the option of the commission and thereafter such order may be enforced as with any final judgment of the superior court.

Sen. SMITH: House Bill 48 as passed by the House and Senate, had several clerical errors including the number of the various paragraphs. Rather than specify separate amendments to various lines, the bill has been rewritten and the correct number in several paragraphs. It is important to note that the subject matter of the bill has not been changed although some of the verbiage has been changed in order to conform to statutory language. The original amendment to the bill was drafted by the office of Legislative Services.

Sen. DOWNING: Mr. President, is this bill published in the Calendar?

The CHAIR: This is the report of the committee on Enrolled Bills, Sen. Downing, which is not in the Calendar and never is. The bill as originally considered was in the Calendar.

Adopted.

ENROLLED BILLS REPORT

SB 19, to further protect the citizens of New Hampshire from unfair and discriminatory practices.

SB 48, relating to times and places of holding regular terms of probate court in Cheshire county.

SB 58, clarifying certain definitions under the charitable trust statutes.

SB 79, appropriating certain funds held in escrow by the department of resources and economic development.

HJR 14, relative to a supplemental appropriation for the board of nursing education and nurse registration.

HB 383, relative to filing a report of catch of fur-bearing animals.

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire.

HB 356, relative to abandoning animals.

Sen. Provost
For The Committee

COMMITTEE REPORTS

HB 417

providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President this bill is a parallel to Senate Bill 62 which does the same thing for mutual and national banks. This does it for trust companies that were omitted in the other bill. It allows the procedure for hearings and the payment of the \$500 dollar fee to be established.

Adopted. Ordered to third reading.

HB 564

relative to annual meetings of credit unions. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, this bill simply provides that credit unions may hold their annual meeting within 90 days of the close of the fiscal year rather than 60 days as it is now. Credit unions are controlled and regulated by the state banking department and at the present time credit unions run on a fiscal year. Now June 30 is the end of the fiscal year and July 1 is the start of the new fiscal year. So right now, the sixty days occurs within the summer months and it is very difficult for credit unions to get a quorum to hold a meeting and therefore by extending the period to ninety days, it gives the union a greater chance to obtain a quorum. I would urge the passage of this House Bill.

Adopted. Ordered to third reading.

HB 323

relative to the right to know law. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would amend the Right-to-Know Law in a fairly simple way. That when a person attempts to get a public record or document or access to something in the public agency's files and the agency refuses to make the document or other information available to the citizen and the citizen finds it necessary to go to court in order to see the document or get access then if the citizen is successful in his court suit his court cost including his attorney's fee will be charged against the agency which lawfully withheld the information. In the existing law the person will be reimbursed only his court cost, not including his attorney's fees unless at the courts' discretion it chose to give the person the attorney's fee which apparently is very rare. This would take away the court's discretion and say that if the person who brought the action prevailed and why, he would be reimbursed.

Sen. S. SMITH: This applies to all state agencies also.

Sen. BRADLEY: This would be any agency which comes under the present Right-to-Know Law. Chapter 91-A of the RSA. And I believe that includes State agencies as well.

Sen. S. SMITH: Is there any question as to which appropriations from an agency would cover this fee if it became necessary to pay this?

Sen. BRADLEY: I don't think that question came up but it's a good question. I suppose the answer would be in terms of political subdivision, but I think this would be under litigation budget and they would have to have said something to hire their own attorney to fight the matter in court in the beginning. We felt strong enough about it to have that sub-division — to spend money before they ever get to the point of having the other guy's attorney's fees, so that they didn't have anything in the budget to cover it they probably would never get to the problem in the first place.

Sen. JOHNSON: What about personnel records, does that come under this?

Sen. BRADLEY: Well, no, the statute exempts personnel records from the disclosure requirements but there are times, of course, when an agency will say personnel records are not public but the citizen will disagree and say it is not a personnel record and I should have access to it. A classic example of this

situation is a case in which I represented a school district so I have had experience with the problem where a citizen wanted to have access to the teacher's contract and salary information. The school district took the position that that was a personnel matter and part of the personnel file and was an exception. The matter is not clear in the statute and went to the supreme court for instruction. The supreme court agreed with the citizen. The citizen ended up having to pay his own legal fee to get something the court eventually told him he was entitled to in the first place and this bill seeks to remedy that injustice.

Sen. POULSEN: How much time is allowed an agency to do or secure the information as asked for? Is there a time limit?

Sen. BRADLEY: I think the statute says that a citizen has a right to have access to public documents and to make copies of public documents at any time during the business day or normal office hours kind of thing. The statute does not spell it out, a time limit within which it has to comply if it decides it wants to withhold something. This bill really doesn't speak to that issue but I think though as a practical matter that any agency is going to be able to take a few days if they feel they need it before it could get hauled into court and worry about paying for attorneys fees, for the simple reason that nobody is going to get to court and start a court case in, you know, some days. If your question is would you have a chance to call up your attorney and find out whether you have to release it or not, I would certainly think that you would have a few days to do that in a practical matter, although it is not really covered in the statutes.

Adopted. Ordered to third reading.

HB 325

relative to games of beano. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, this bill provides that the amount of award to beano games for any one evening or day would be increased from \$800.00 to \$1,000.00. Now all the games that would be played on that particular day would increase to \$1,000.00 in prizes. Now there is a significant amendment which was added by the House that is not in the House bills as printed. This provides that in the last game of each beano session notwithstanding any provision in the law to the

contrary anyone lawfully participating in a game of beano may wager on a winner take all pool without any limitation as to amount of sum or sums to be won in such a pool. In other words it is my understanding that many of our church beanos, that there is a final game on the evening, in which people pay a quarter or a dime or whatever they pay for it and all the money is given to the prize and this would not be included in the \$1,000.00 maximum. I understand that it is being done anyway and this would be a way of making it legal any actions that are already in effect in any of our bingo or beano games around the state. Simply it provides for inflation it was \$800.00 and now they want to raise it to \$1,000.00 and it does not appear to be objectionable in any manner.

Sen. JACOBSON: Senator, you made an interesting statement in which I interpreted it that an illegal process was going on. Is this the kind of legislation we should be doing as to legalize all that is illegal?

Sen. BOSSIE: Certainly not. This has been going on, it is for charitable purposes however. It is used for schools and things of that nature and I am sure this is an understanding, I don't know I have never been to bingo or beano games.

Sen. JACOBSON: Do I understand you to say that as long as it is charitable that it can be illegal and we can condone it?

Sen. BOSSIE: Certainly not.

Sen. JOHNSON: Does this have anything to do with the football pool brought out the other day?

Sen. BOSSIE: No Senator.

Sen. SPANOS: Mr. President, I rise in support of the committee report and as Senator Ferdinando would say if the authority on gambling says so I will buy it.

Adopted. Ordered to third reading.

HB 342

relative to liability for support for relatives. Ought to pass.
Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President this bill is very very simple in structure and it is virtually identical with the bill that follows it. All this bill does is to insert the words without good cause

as determined by a court hearing, into this particular statute dealing with an obligation to support a relative. Where there is a court order in effect requiring a person to support a relative this bill would simply say that if the person refuses to pay or fails to pay, that before he is held in contempt of the courts that he is entitled to a hearing. Now it is probable that all the courts already give hearings in these cases but the agency that is involved felt that this ought to be spelled out in the laws so that there would be no question about the right to a hearing.

Adopted. Ordered to third reading.

HB 446

relative to support of relatives. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: The remarks on the previous bill hold out on this one. The other bill is inserting the same language to another statute dealing with a different kind of support for a different set of relatives.

Adopted. Ordered to third reading.

HB 353

requiring registration of halfway houses. Ought to pass. Sen. Sanborn for the Committee.

Sen. Sanborn moved that HB 353 be recommitted to the committee on Public Health, Welfare and State Institutions.

Sen. SANBORN: Mr. President, this report since our last hearing on this bill in executive session there has been additional information received by the committee that indicates that there should be a small amendment added to this bill and I would move at this time that it be referred to committee.

Motion adopted.

SPECIAL ORDER OF BUSINESS 1:01

SB 65

to require that all motor vehicles and trailers operating on the highways be equipped with tires meeting certain safety standards. Ought to pass.

Sen. Green moved that SB 65 be indefinitely postponed.

Sen. GREEN: We had heard to date on SB 65, now on two occasions and each time we have been unable to deal with the situation as to whether or not this bill would pass or fail. In all the arguments that we have heard, and the reason that we were asked for a special order for today was so that an amendment could be made available to the Senate. However, I feel that the amendment that is not available today would have made the bill as it now exists inoperable and of no value. I think the question is whether or not we act on the bill today or that we indefinitely postpone it and I make that motion.

Sen. POULSEN: Mr. President, I rise in opposition to this motion. The amendment was briefly published in the Calendar but it was published the day before we could have the report on the floor. The amendment is very simple it only exempts boat trailers that is about all it does. The bill itself does specify that all vehicles shall have a spare tire of passing grade — except just the amendment — the accepted one in the amendment, the small boat trailers, and the trucks, that have interchangeable wheels. It is purely a safety measure and I think that anybody who doesn't have a good spare tire should have one and possibly we could take up a collection if anyone couldn't pay for one. Sen. Lamontagne offered them for three dollars, and except for the cost I can't see why anyone would object to having a good spare tire.

Sen. LAMONTAGNE: I would hope that this motion would be defeated. I think that the bill is written for a safety measure and certainly I concur with SB 65 as it has been amended and I hope that the Senators will vote this motion down. Again, I would like to point out that so many of these cars that are stopped without spare tires are endangering the lives of others and it should be a protection and I hope that you will vote the motion down.

Sen. TROWBRIDGE: Mr. President, I will be brief, I still am in favor of indefinite postponement. I feel that I have a good spare tire in my trunk. It is a good spare tire. I am not prepared to make everybody in this state put in their trunk for the two or three miles that they might need to hobble on their spare tire back to a place where they can get another tire — I take my old tires and put them in as a spare and I think everybody else does. I think that we would be creating a big

burden on our people if we were to pass SB 65 in its present amended form.

Sen. GREEN: Do you recall that the amendment I was referring to was an amendment as to why we were going to have the special order today? And that amendment was going to refer to removing passenger status from the bill.

Sen. POULSEN: Someone suggested that that was not a committee amendment.

Sen. GREEN: I understand that but that was the amendment I was referring to.

Sen. LAMONTAGNE: If the bill is further amended by taking the two-thirds tread out and that the bill would say a spare tire, would you be in favor of the bill?

Sen. TROWBRIDGE: If all the bill said was that you should have some spare tire as it were, does not have to come up to the specifications of two-thirty seconds tread and everything else, then no problem. But the bill never said that.

Sen. LAMONTAGNE: But you would favor an amendment that would say a spare tire?

Sen. TROWBRIDGE: I would favor a bill that would say that all motor vehicles should have a spare tire which is adequate to get them to the nearest gas station.

Sen. CLAVEAU: Does the tire in the trunk come up to the three dollar standard?

Sen. TROWBRIDGE: Yes.

Sen. S. SMITH: I rise in support of the motion of indefinite postponement and I think my motion last week to make this a special order because of the introduction of the amendment that I was interested in is the cause of confusion between Sen. Poulsen and Sen. Green. I have had an amendment prepared, I look at the amendment and I'm afraid it does nothing except state in the laws that they shall have these tires and then exempt everything. So I would rise therefore, in favor of an indefinite postponement primarily because I think the law on the books would be unenforceable. The only time that people would look at that spare tire is at inspection time. They could trade spare tires from one car to the next and I don't think it

accomplishes anything constructive in the area of safety. Therefore, I again, hope that the Senate will vote for indefinite postponement.

Sen. Lamontagne moved that SB 65 be recommitted back to the committee on Transportation.

Sen. LAMONTAGNE: Mr. President I have just talked with the president of the Transportation committee and there are other members of this committee and we feel that if we could take this bill back we might be able to amend it so that it would meet some of the opposition that is now pending.

Division vote: 11 Yeas, 9 Nays.

Motion adopted.

SPECIAL ORDER OF BUSINESS 1:02

HB 95

requiring distribution of a list of Family Planning Agencies and services available in New Hampshire with the issuance of every marriage license. Inexpedient to legislate.

Sen. Porter moved that the words ought to pass be substituted for the committee report inexpedient to legislate with respect to HB 95.

Sen. PORTER: Mr. President this is a very simple bill and it has had an inadequate public hearing, frankly. Some of the people failed to arrive and provide testimony as I mentioned the previous time I spoke on this bill before. The bill merely allows that a list of Family Planning Services be made available to city and town clerks and provided to those persons desiring marriage licenses. It can be viewed as a service to the public for those who wish to plan a large family or a small family and it can go either way, and I would urge fellow Senators to vote for this bill.

Sen. LAMONTAGNE: Who's going to pay for the printing?

Sen. PORTER: I understand the material is already available. It could probably be included from other mailings from the Health Department to the town clerks. Total cost being around \$200.00.

Sen. LAMONTAGNE: Would this have to go to Finance?

Sen. PORTER: I don't believe it would have to go to Finance.

Sen. MCLAUGHLIN: You stated that it didn't have a proper hearing. What do you mean by that?

Sen. PORTER: Well, what I meant was that some of the people who were interested in the bill failed to show of their own accordance. It was properly advertised. I'm not implying that it was improperly performed. The people who should have been there to provide testimony on their own part did not appear and they should have. It was not the committee's fault.

Sen. PRESTON: Senator Porter, is it possible now that agencies might mail such information to the town clerks without necessitating a special piece of legislation?

Sen. PORTER: I believe they could if they desired to. This is the legislative attempt. We indicated we wanted to.

Sen. BROWN: Any couples buying marriage licenses, does this bill make it mandatory that they accept it or take it?

Sen. PORTER: Absolutely not. It's optional on their part and it's optional as to whether they use the information they have available.

Sen. PRESTON: This bill says that the town clerk shall distribute doesn't it?

Sen. PORTER: Yes, but the words do say that they do not have to pick it up.

Sen. PRESTON: But isn't it mandatory that the clerk distribute them?

Sen. PORTER: Yes, that they be provided.

Sen. LAMONTAGNE: Senator Porter, I'm still not convinced about the question that I asked you. Now you said it would take or cost about two hundred dollars. Now where is the two hundred dollars going to come from?

Sen. PORTER: There is no requirement in the bill, Senator as to appropriations. I understand from the testimony, which I did not hear, I understand from the testimony provided in the House, that the bill did go to appropriations in the House, and I would have no objections that it be reviewed by Senate Finance. But the indication was that the materials were already available and would most likely be included with other mailing.

Sen. LAMONTAGNE: Mr. President, members of the Senate. I would vote for HB 95 if it would be sent to Finance and I think it should be because there is a question on a sum and I think the proper thing to do seeing that Senator Porter said that it did not have a proper hearing that certainly by sending the bill to Finance there would be another hearing and therefore, we might be able to know more about it.

Sen. SPANOS: Mr. President in the past few terms that I've served in this body it's always been the practice that when you have a sum of money equalling the amount under consideration i.e. \$200, it's automatically been passed without sending it to the Finance Committee and that's the procedure I'd like to see followed.

Sen. LAMONTAGNE: Senator, you've heard Sen. Porter say that this bill did not have the proper hearing and therefore seeing that the committee did come in with an inexpedient, wouldn't you feel that if this was referred to Senate Finance that with another hearing it might clear up?

Sen. SPANOS: Well, I'd hate to use the pretext of sending it to Finance and then establish the precedent of having the Finance Committee get involved in a matter of two hundred dollars. That's my only concern. I'm not saying that I would be opposed to another public hearing. My suggestion would be that if it is referred at all it should go to the committee that heard it originally, but not establish the precedent of allowing these small sums of money to go to Finance and be for their consideration.

Sen. SMITH: In the budget for Public Health isn't there a line called printing?

Sen. SPANOS: There might be Sen. Smith, there might be.

Sen. PORTER: I just want to state Mr. President, that I did not wish to infer that the committee of Public Health and Welfare conducted an improper hearing. It was duly advertised and everything was copacetic about the hearing. The people who should have been there failed on their own accord, it was not the committee's fault.

Sen. PRESTON: I'd like to speak against the motion for reconsideration. I don't think it's a question of proper hearing at all. I think the principle here is, that it is a special legislative

act making it mandatory that a town clerk, supported by all the taxpayers, is to distribute this literature which is readily available upon the private choice of the individual's getting married. I strongly oppose making it mandatory for town clerks to get into the business of dispensing the type of literature that might be mailed to them.

Sen. Lamontagne moved that HB 95 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, I agree with Sen. Preston wholeheartedly in that we shouldn't put our city clerks to distribute this literature. At the same time it's possible that it might be an expense and therefore, I feel that it should be indefinitely postponed.

Sen. DOWNING: I rise in support of the motion as offered by the Senator from the First District, as I stated before in this chamber, I think the question is whether the state is going to get involved in recommending Family Planning Program. I don't think it is any of the state's business, nor the town's business, and the best thing that could happen would to have this matter postponed.

Sen. MCLAUGHLIN: I'd like to rise in support of Sen. Lamontagne's motion.

Sen. SPANOS: I rise in opposition to the motion to indefinitely postpone. I cannot subscribe to the philosophy that the state should not get involved in family planning *per se* because the state is involved in family planning as of this moment. They are printing and producing these circulars for our distributions to the people, the only thing that is being done with this measure is to make that information more readily accessible to those who are being married. So it is not a question of the state becoming involved, it is involved now. I urge the defect of the motion.

Sen. DOWNING: Senator would you expand a little bit on the degree of the state's involvement in family planning, promoting family planning?

Sen. SPANOS: The only thing that I have heard to date is that there is literature being prepared by the state which can be and is used and distributed by the agencies and my understanding is that it is available for those who wish to subscribe to it

and the question is whether or not they do it on their own or whether we make it more readily accessible to them through the town clerk's office where they go to get their certificate.

Sen. DOWNING: Can you tell us exactly what material is being offered by what agency?

Sen. SPANOS: I have no idea, Sen. Downing. I've been listening to debate here and all I heard that there is some available and I've taken that for the Gospel. Now if it's not true then of course to some degree your statement becomes a little more correct but from listening to Sen. Porter and Sen. Sanborn the other day, who indicated that there was this literature available, I am assuming it is.

Sen. DOWNING: Senator, do you feel, recognizing this as an assumption the possibility of this material existing be sponsored by the state, which I don't agree is, but assuming that it is that there is a vast difference between having something available and actually distributing it?

Sen. SPANOS: There is a significant difference in it. There's no question about that. What it points out is that we are spending money for nothing because nobody's using it. Whereby I think it would be more accessible in the town clerk's office. That doesn't bother so much the fact, the principle you renounced is what I'm concerned about and that is that the state shouldn't get involved in state planning. What I'm saying is that we are involved, the decision obviously has been made, if what testimony made today is correct. All I'm trying to say is that for spending money already for some policy decision already made then I suggest that we utilize that policy.

Sen. DOWNING: Do you realize the fact that I question the veracity of the statements made relative to the state's involvement in Family Planning to date?

Sen. SPANOS: I don't remember Senator Downing. Maybe we ought to ask the members of the committee to elucidate as to what information is available to the public and is available to the state.

Sen. SANBORN: Since my name has been bandied about I'd like to clear one thing, as I understood this Senator Spanos, the state would print a list of the various agencies, private concerns and so forth that are interested in Family Planning and

distribute that to the town clerks. This is the way I understood it. That it was just a list of these various groups that wanted Family Planning. Not that the state was doing any printing of Family Planning books.

Motion lost.

Sen. Foley moved that HB 95 be recommitted back to committee.

Sen. FOLEY: Mr. President, inasmuch as there's a question concerning the material and what it consists of and people have seen material and don't understand what it is perhaps it would be better if the committee got a list of whatever is to be distributed and helped the Senate make up their minds.

Sen. JACOBSON: Through the aid of my colleague, Senator Green it is clear that what it is is a list of Family Planning Services and Agencies available. It does not even deal with the question of Family Planning pro or con. And it seems to me that state agencies distribute all kinds of similar types of information. After all, we are not all interested in the same thing. I received from my Congressman a list of pamphlets that are available and some of them I don't give a hoot or a holler about, I don't believe there's any obligation that a person must take it, nor any obligation to read it. But there may be those people who need and want the information. I think the issue is pretty well clear and I think that to return it to committee will not serve any useful purpose.

Sen. LAMONTAGNE: Senator, what happens in a case where a town or city clerk would not have the material available to be given that individual who wanted it? Well, if he doesn't have the list then he can't hand out the list. He can't do that which is impossible.

Sen. CLAVEAU: I rise in support of the motion made by Senator Lamontagne. The thing that bothers me about HB 95 is the fact that we don't know what information is being put out. Therefore I think that we should put HB 95 back to sleep. And when we learn about it we can then vote on it.

Division: 9 Yeas; 11 Nays.

Motion to recommit lost.

Motion to indefinitely postpone lost.

Adopted. Ordered to third reading.

Sen. SPANOS: I move that HB 95 be placed on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 95, requiring distribution of a list of Family Planning Agencies and services available in New Hampshire with the issuance of every marriage license.

Adopted.

Sen. PORTER: I move reconsideration of HB 95 at this time.

Motion lost.

SPECIAL ORDER OF BUSINESS AT 1:03

SB 114, providing for a snow-making system for Mount Sunapee State Park, and making an appropriation therefor. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: I move that SB 114 be made a Special Order for 1:01 tomorrow afternoon.

Adopted.

REMARKS OF SEN. BRADLEY

As the Watergate Affair in Washington has unfolded, I have been struck by the many parallels and similarities between Watergate and the Business Profits Tax File Affair here in New Hampshire.

Both Watergate and the New Hampshire affair began when representatives of the Executive Branch made an illegal invasion of privacy in an attempt to gather information on political adversaries.

In both the Watergate Affair and the New Hampshire Affair, the targets of the illegal spying made the spying rather silly. The Nixon organization hardly needed any additional ammunition to fight the McGovern forces. In our own case in New Hampshire, the Business Profits Tax file of two of the corporations that were the targets of the search did not even exist. I speak, of course, of Dartmouth College and Mary Hitch-

cock Memorial Hospital which are charitable corporations who do not file such returns.

In both cases the Executive Branch's first response upon being exposed by the Press was to turn on the Press and attack it for irresponsible reporting.

In both Watergate and the New Hampshire Affair the Executive Branch has concocted and claimed novel and untenable Constitutional powers for itself. In Washington it has been an all encompassing "Executive Privilege" to justify not testifying before Congress. In New Hampshire it has been the Thomson Doctrine of Constitutional interpretation which holds that every elected official may interpret the Constitution for himself — despite what the Supreme Court has said it means.

And in both cases the controversies would probably be over and mostly forgotten by now had the Executive Branch immediately admitted its error, made a full disclosure of its doings, and appropriately punished or reprimanded those responsible.

What is different about the two affairs is that it now appears that this sort of catharsis will be taking place in Washington. It seems that at last we will soon know the truth about *who* was responsible for Watergate. We, of course, already pretty much know *who* were the operatives in New Hampshire's Business Profits Tax Affair. What we don't know and seem to have no hope of knowing in New Hampshire is the *why* of the affair.

The Governor has listed as his (quote) reasons (unquote) for his search of the Business Profits Tax files as (1) that the state's fiscal books had not been closed for two years, (2) that inadequacies in the operation of the Business Profits Tax Division had been reported to him, (3) that there was an alleged bribe in connection with the award of a dog track license.

Perhaps someone with more imagination than I can explain to me how these three "reasons" had anything to do with looking through the files of three individuals who all just happened to be supporters of the Governor's last primary opponent.

But I defy anyone to find a connection between these so-called reasons and an attempt to search the files of Dartmouth College and Mary Hitchcock Memorial Hospital.

The Governor and Mr. Loeb would have us believe that the reasons for the search have been satisfactorily explained.

But I would like to read a question and answer from the Governor's Press Conference of last Thursday (April 19) as reported — supposedly verbatim — in the *Union Leader*.

Question (in part): "I am curious how information about Dartmouth College and Hanover Inn would relate to the reasons you gave on television as wanting files?"

Answer of Governor (in full); "Well, as far as the four files which we had are concerned, I have said nothing about those as to specifics and do not propose to do that. The knowledge of what for would not have existed if it had not been for a leak brought out at the testimony by the Attorney General and by one councilor and by certain newspapers."

Mr. President, if anyone is prepared to tell me with a straight face that that is a real answer or a real reason, I will — as the saying goes — eat my hat.

As in the case of Watergate, people are not going to accept evasion and silence as a substitute for the truth. It has taken 10 months for the true facts in the Watergate Affair to begin to come to light. The integrity of our Federal Government, the viability of the Republican party, and the stature of President Nixon have all suffered as a result of this delay. Similar results are bound to occur in New Hampshire from continued evasion and silence from the Executive Branch.

Governor Thomson is apparently the one person who can best explain the *why* of New Hampshire's Watergate Affair. He has not done so yet. This Senate and the entire Legislature should call upon the Governor to do so without further delay.

ANNOUNCEMENTS

The CHAIR: The Chair would announce that Sen. Preston has been appointed to replace Sen. Blaisdell in the committee of conference on HB 349.

Sen. Downing moved that SJR 12 be vacated from Ways and Means and referred to Finance.

Adopted.

Sen. Foley moved that the rules of the Senate be so far suspended as to allow that the business in order at the Late Session to be the business in order at the present time, that bills

be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow at 1:00 in Concord.

Adopted.

LATE SESSION

Third reading and final passage

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company.

HB 564, relative to annual meetings of credit unions.

HB 323, relative to the right to know law.

HB 325, relative to games of beano.

HB 342, relative to liability for support for relatives.

HB 446, relative to support of relatives.

Adopted.

Sen. Brown moved the Senate adjourn at 3:05 p.m.

Wednesday, 25Apr73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God, the Light of the World in its several generations. Enlighten us this day as we work together.

Open our hearts and minds to the needs of each day. Drive away faithless fears and worldly anxieties, and instill within us a right sense of direction, as we wind our way through the legislation which comes before us today and in the days to come. Amen.

Pledge of Allegiance was led by Mrs. Michaud, Girl Scout Troop 57, Merrimack; Masters David H. Bradley, Jr., Andrew Dey, Robert Spencer, Mathew, Donald and Wells Smith.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 144, providing funds for an increased statewide betterment highway reconstruction program to upgrade existing state highways. (Sen. Brown of Dist. 19 — To Public Works and Transportation.)

SB 145, providing that revocation of boat registration be the responsibility of the director of safety services. (Sen. Brown of Dist. 19 — To Recreation and Development.)

SB 146, providing for a change in official responsibility relative to commercial boating, from the director of the division of motor vehicles to the director of the division of safety services. (Sen. Brown of Dist. 19 — To Recreation and Development.)

SB 147, broadening the purposes for which the capital appropriation of 1971 for dredging of Hampton Harbor may be expended. (Sen. Preston of Dist. 23 — To Public Works and Transportation.)

SB 148, relative to permits for the sale of alcoholic beverages. (Sen. Provost of Dist. 18; Sen. Brown of Dist. 19 — To Ways and Means and Administrative Affairs.)

SJR 13, to establish an interim study on uniform vehicle laws. (Jacobson of Dist. 7 — To Judiciary.)

Introduction of John King, Director of the Probation Department to speak on the function of his department.

NEW HAMPSHIRE PROBATION DEPARTMENT

The New Hampshire Probation Department has ten district offices (one located in each county) and a Central Office. The department's main work is investigation of cases coming before the district, municipal and superior courts and supervision of those placed on probation by the courts.

Probation is the placement of an individual under the supervision of a sincere dedicated Probation Officer. The investigation and supervision is determined to the extent that Probation Officers are available.

Probation is similar to what it is in other fields. In law enforcement it is the keeping of a person convicted of a crime in the community and as a member of society instead of in prison or some correctional institution. The period of probation is set by the Courts.

The Judge usually does this after study of a report prepared by the Probation Officer that lists circumstances that existed before, after, during the crime.

Probation has a dual purpose:

1. Protect Society.
2. Rehabilitate Offender.

The goals of the New Hampshire Probation Department are:

1. Reintegration of the probationer back into society.
2. Service the Courts.
3. Collect and disburse monies as ordered by the Court.

The Probation Officer investigates juveniles, adults and domestic relations cases. These investigations are any type requested by the courts.

In regards to supervision the Probation Officer supervises and counsels any probationer assigned to him by the court and these range from a very young age to as high as a probationer we had who was 72 years old.

The Director of Probation is also the Interstate Compact Administrator. All transfers in and out of N. H. of probationers and parolees go through this office.

The key to our success or failure is the Probation Officer.

We must keep in mind that a Probation Officer is a part of the administration of justice. Upon the Probation Officer rests the responsibility of executing the will and policies of the community expressed through the courts.

We strive to do our best in contributions to the plan that each person be given an equal chance before the courts and in society if he is placed under our supervision.

In dealing with the probationers the Probation Officer tries to follow these rules:

1. Be firm with probationers but keep in mind that there is no substitute for kindness and understanding in dealing with human beings.

2. Every offender has a body, mind and soul. They have hopes, aspirations and ambitions as other men and women.

3. Probationers react to discourtesy, indifference, abuse, neglect as other human beings do.

4. Many offenders feel they have been unfairly treated by police, judge, teacher, parents, etc. Right or wrong that's why many are offenders.

Probation Officers treat probationers as people — not just a caseload, however, due to the present workload and the number of staff the trend is drifting toward looking at our probationers as a caseload and not as people that really need help.

Probation Officers must seek ways to change attitudes and habits of probationers. Bad and good habits are formed the same way. They come from impressions received through the five senses.

Changing these attitudes or habits is a slow process of re-education. This is the main task of probation.

Why should you spend taxes on the State Probation Dept.?

1. Of all forms of corrections, it is still the most effective and most successful by far.

2. It is the most economical.

3. Gives person an opportunity to support his own family.

4. Keeps offender in society.

5. No break with family — eliminating grief that accompanies this type separation.

6. Finds work to his or her liking.

7. Gives an investigation to the judge which will assist him in making a better disposition.

8. Probation encourages rather than embitters.

9. It builds up rather than degrades.

10. It puts the offender under an obligation and forces him to rehabilitate himself.

11. Most important is the saving in manhood and womanhood as a result of the supervision received at the hands of a number of available probation officers. Makes an offender a useful member of society.

We need an alternative to incarceration — you don't just put everyone behind bars. The best we have yet outside of parents is probation.

However, real probation has not really been given a try. Courts and society expect those placed on probation to get close supervision. We agree, but in too many cases our hands are tied.

It would be unthinkable today if there were not some alternative to imprisonment, an alternative which would, in turning the person free, retain a measure of control and guidance for his benefit and the protection of the society.

Fifty per cent of cases before the court are placed on probation.

What does society have the right to expect from the use of Probation?

1. Protection of society

2. Somebody is checking with probationers

What does the Courts have the right to expect from Probation?

1. Good thorough investigations.

2. Counselling and supervision to those they placed on probation.

A national profile of corrections reveals that 80% of all correctional costs are spent on institutions. Just to give you an idea I present this item from the federal budget:

FY 1973	Federal Corr. Inst.	\$136,417,000.
	Inmate Medical Treatment	15,761,000.
	Inmate Educ. & Trng.	23,318,000.
	Prob. & Parole	12,556,000.

Please note that it costs more for inmate medical treatment than to operate probation and parole. It costs almost twice as much to educate and train in the institutions than to operate a parole and probation program.

Don't condemn probation until it has been given a chance.

Probation is people helping people and we need people.

We presently have a caseload of approximately 2,000 on probation — 1,500 adults and 500 juveniles.

The State Prison has a population of 250 and their budget is 1½ times over our budget.

The State Industrial School has a population of 203 and their budget doubles ours. This they need and most likely more.

But imagine the cost if one third our adults went to State Prison or one third our juveniles went to State Industrial School. It would cost more for buildings and then staff than to run a Probation Department for years.

Probation is a little less than 40¢ a day or approximately \$140. a year. This is in comparison to the State Industrial School costs of approximately \$6,000 per year and the State Prison of approximately \$5,000 per year. We know we need institutions but let's try to keep the enrollment down by using probation with much more supervision of probationers.

We presently have 5,200 active Domestic Relations cases. These are our active cases but we have thousands more in our inactive file.

At the present time we have 21 permanent Probation Officers and 11 officers on grants. One of these officers is a Volunteer Coordinator.

We began using grants more or less in desperation as we had only one permanent probation officer added to our staff since 1965. This, in spite of the fact that in the same five year period adult supervision increased 88%, adult investigations requested increased 141% and new cases placed on probation during the year 1972 increased from 613 to 1,074 or a 74% increase.

Juveniles increased 52% under supervision, 79% under new cases and 95% under investigations requested.

Again this increase induced us to turn to the Crime Commission for grants to alleviate the situation.

Seven of the federal grant temporary positions are working completely with District Courts. They have no Domestic Relations cases. We felt that it would be much easier and more effective if we dealt with the offender at an earlier age and at many times we would be dealing with a first offender.

This gives you a brief summary of the New Hampshire Probation Department.

I will be happy to answer any questions that you may care to ask.

John A. King
Director of Probation

Sen. LAMONTAGNE: First, you people are in charge of the alimony collection, you collect it from individuals with families involved. How many days before this money is turned over to the wives?

DIR. KING: It is collected in the local offices. In your area Berlin — they pay their money into Berlin, that day or the next day they ship the money to the central office where it is disbursed. The main reason why we do that is workload and it is also postage. The majority of our postage, and I believe we are asking in the 13 or 14 thousands here, the majority of our postage is used for sending out checks. It is every other payment or every two weeks at the greatest. If they make a payment and it gets to the central office before Wednesday of this week it goes out on Friday. It goes out Friday of every week if the payments are regular.

Sen. LAMONTAGNE: Is this done by statute?

DIR. KING: You mean as far as settlement? No.

Sen. FERDINANDO: Is it true that you have a more hardened type of criminal in a town like Plymouth than you do in a city like Manchester?

DIR. KING: I wouldn't think so — you could have some hardened ones in either place.

Sen. BOSSIE: Do you have any systematic programs for continuing education for probation officers, any specialized courses in probation?

DIR. KING: Senator at the present time it is in our budget. It is the first time we asked \$10,000.00 for a training program.

Sen. CLAVEAU: What happened to the Nashua office. Did you ever reopen that office?

DIR. KING: Yes we have Senator, there is a girl down there now who handles all calls.

Presentation of resolution by Sens. Bossie and Porter to Miss Karen J. Brockway, New Hampshire's Jr. Miss.

ENROLLED BILLS AMENDMENT

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

AMENDMENT

Amend the title of HB 292 by striking out the same and inserting in place thereof the following:

AN ACT

providing for protection of persons engaged in scuba diving on the inland waters of the state.

Adopted.

Sen. Jacobson moved that the rules of the Senate be so far suspended as to allow HB 368 to be recalled.

Sen. JACOBSON: Mr. President, this bill deals with the assignment of students to the medical school at Dartmouth and it has been brought to my attention that at least as far as I am concerned one of the intentions of that bill might be circumvented. Mainly, that under our present registration proceedings which provide for residency a student may come to Dartmouth College from Florida or Oklahoma or Nevada and then register in the Town of Hanover and then be admitted under the program. Now as I understand this whole proposal as it was originally developed in Vermont and now proposed for Dartmouth that we provide this kind of schooling for those who have graduated from New Hampshire high schools and the reason being is that we do not have a medical school facility that is state supported. Frankly I am concerned about the possibility of providing, through public monies, support of people who

have not been in what I might say the original sense of the word, residence and could then take advantage. Therefore I would like to see that that bill be corrected so that it is clearly for those students. I have a young man who has graduated from high school in New London who is now a student at the University that our President went to. He wants to go to medical school, and he wants to apply under this program. That is the type of individual that I think should have first choice of these five seats per year. So therefore I make this motion.

Sen. LAMONTAGNE: I too have received information and I support this motion to recall this bill. This bill should be recommitted back to committee and be corrected.

RECESS OUT OF RECESS

Sen. JACOBSON: I move that the motion to recall HB 368 be laid on the table.

Adopted.

Sen. Trowbridge gave a report from the Finance Committee.

Sen. TROWBRIDGE: Each Senator today has been presented with a copy of a study compiled by William Montrone, Senate Finance aide, relative to the uses of the federal revenue sharing by the cities, towns and counties of New Hampshire. The Senate Finance Committee authorized this study early in January in order that we would be able to know how federal funds are now being used as a reference point to possible future uses of revenue sharing funds.

On a state-wide basis, this study indicated clearly that our local communities spent most of their money (55.32%) for hardware or capital expenditure items. Such expenditures range from tax maps, town halls, snowplows, graders, trucks, back-hoes, hydrants and the like.

During the same period we have learned that our local communities faced the possible loss of 4.5 million dollars of federal categorical aid programs to social programs such as day care centers, mental health retardation centers, community mental health centers, etc. When the towns and cities acted on these revenue sharing funds, I don't think they were aware of

the fact that they might be called upon to support some of these local oriented social service programs. It is interesting to note that they only allocated 2.79% of the 13.5 million to such programs. The rest of the funds went to lower taxes to the tune of 3.3 million or 23.69%. Environmental protection amounted to only 3.1% mostly for town dumps.

I think it is significant that the initiative from this study came from the Legislature while the Governor's Office has been waiting for some federal agency to tell them where these monies were spent. The next payments will be made in July at a time when the federal budget and programs may be collapsing around our social agencies. In a hearing before Senate Finance today on Community Planning budgets of the Governor's Office, it was acknowledged that if the HUD 701 program was not re-enacted that the \$320,000 supporting the six regional planning centers might well be lost, which would leave these centers with no ability to go forward or continue.

Somehow we must become more awake to the situation that we cannot spend the local revenue sharing funds for "goodies" and we must make our cities, towns and counties aware that they bear a responsibility for using the revenue sharing funds wisely. Only a coordinated effort of our legislature and the Governor's Office will bring home the message that revenue sharing means not only sharing the money but sharing the responsibility. The state budget simply cannot pick up these potential losses on the local level and should not be forced to do so when the local communities are receiving over 13 million dollars for exactly this kind of purpose.

For example, only recently I advised Representative Dwyer of Hillsborough County delegation that I did not feel that the state should pick up the expenses of the new comprehensive community mental health center in Manchester when Hillsborough County had not yet allocated the 330 odd thousand dollars they have in revenue sharing funds.

This report shows every expenditure of every town, city and county that replied (and almost all did).

I urge you to study it and to help me find a way whereby we can make sure that we do not let essential programs drop by the wayside just because we could not coordinate the efforts of the cities and towns.

I also urge those agencies who are looking for substitute funding to look to their cities, towns and counties because the state has its own problems dictated by the possible loss of federal funds.

COMMITTEE REPORTS

HB 233

relative to the amount of fees to be charged by the registers of deeds. Ought to pass with amendment. Sen. Jacobson for the Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Fees Charged by Registers of Deeds in Certain Counties. Amend RSA 478 by inserting after section 17-f the following new section:

478:17-g Fees in Certain Counties. The register of deeds in Belknap, Cheshire, Grafton, Hillsborough, Merrimack, Rockingham, Strafford and Sullivan counties shall be entitled to the following fees:

I. For recording a deed, mortgage, attachment of real estate, lease, agreement, assignment, release, and like documents, five dollars for the first recorded page, plus two dollars for each additional recorded page. Said charges shall include all charges for information furnished in compliance with RSA 478:14; provided that if the instrument contains the names of more than one grantor and one grantee an additional fee of fifty cents shall be charged for indexing the names of each additional grantor and grantee.

II. For recording a discharge of real estate attachment or discharge of real estate mortgage, two dollars.

III. For recording plans, five dollars for the first two hundred square inches or part thereof and one dollar for each additional one hundred square inches or part thereof.

IV. For copying any other document the charge shall be established and posted by the register of deeds.

2 Repeal. The following sections of the RSA are hereby repealed:

I. RSA 478:17-a as inserted by 1963, 201:2, as amended, relative to fees charged by the register of deeds in Rockingham county;

II. RSA 478:17-b as inserted by 1965, 292:2, as amended, relative to fees charged by the register of deeds in Grafton county;

III. RSA 478:17-c as inserted by 1967, 151:1, relative to fees charged by the register of deeds in Belknap county;

IV. RSA 478:17-d as inserted by 1967, 250:1, relative to fees charged by the register of deeds in Cheshire county;

V. RSA 478:17-e as inserted by 1967, 377:1, relative to fees charged by the register of deeds in Sullivan county;

VI. RSA 478:18-c as inserted by 1967, 442:1, relative to fees charged by the register of deeds in Strafford county;

VII. RSA 478:25 as inserted by 1965, 377:1, relative to fees charged by the register of deeds in Merrimack county; and

VIII. RSA 478:39 (supp) as inserted by 1969, 492:1, as amended, relative to fees charged by the register of deeds in Hillsborough county.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. PRESTON: Mr. President, members of the Senate, if you will turn to page 50 you will find the amendment to HB 233. This bill shows the amount of fees to be charged by registers of deeds for the recording of various types of documents. It increases the fee in all counties of the state with the exception of those two counties, Coos and Carroll where the register of deeds is not salaried.

This applies only to those counties that are salaried registers of deeds. It will bring about similar recording fees, for example the present charge is \$3.50 and it will be raised to \$5.00 with an increase of \$1.50 to \$2.00 for additional page of each document. The reason for this is the uniformity of the recording of deeds and those two counties referred to if they go on salary would be included. These counties have been dealt with separately by statute so if you will notice on page 50 and 51 all the repealing of the RSA's applied to the different counties. I move that the committee report be adopted.

Sen. SPANOS: Sen. Preston, I can understand the need for uniformity of costs in recording but did you indicate in your statement that also there is an increase in some of the charges to be part of the recording charges in the future, and if so was there any reason for the increase?

Sen. PRESTON: Well the reason for the increase, for example \$3.50 to \$5.00 for recording was the increased costs that they are facing and the need to face some of those. Any monies over and above the cost would be turned into the county.

Sen. SANBORN: Senator, who gets these fees now. I mean if this bill is enacted, who will actually receive these fees the county treasurer, or the register in addition to his salary or what?

Sen. PRESTON: Any monies over and above the actual cost is turned into the county treasurer.

Sen. BOSSIE: Sen. Preston, at your committee hearing was any information introduced which would sustain the fact that they need more money in which to run their registry of deeds or are they running at a loss now?

Sen. PRESTON: It was just stated as from the testimony here that they are trying to recognize, they had a meeting of the association who voted in favor of this bill and they were trying to recognize the highest cost of operation of their office today and the need for change over the years to modernize and make more efficient operation.

Amendment Adopted. Ordered to third reading.

HB 232

relative to changing the type of notice required to one who has failed to reregister as an eligible voter. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 232 has as its original intention, changing the reregistration notices deposited in the mail from certified mail to regular first class mail. The rationale is undelivered mail be returned to the supervisors of the checklist and would act as an indicator that the voter no longer lived at that address and the presumption then is that the voter has moved from the ward or town. A further reason is that the cost of sending by certified mail can be very large especially when

sociologists tell us that one family out of five moves every year. This part of the bill remains. The Senate amendment provides that any person who has voted in the general election of town meeting previous to the reregistration time shall be deemed to have reregistered by so voting. This amendment grows out of the considerable confusion raised by requiring universal reregistration, despite the fact that the overwhelming number who voted, either in November or March are presently residents. Furthermore, all our trends are in the direction of making it more easy to vote. Why then should we throw a roadblock in the way of participating voters? Furthermore, by passing this amendment the work load of the supervisors of the checklist will be reduced as well as the cost of reregistration. Finally the Senate makes the bill effective in order that it might be applied to the supervisors' responsibility immediately. The committee is unanimous in recommending the passing of the bill and amendment.

Sen. FERDINANDO: Sen. Jacobson, do I understand that people who voted in the last election don't have to reregister?

Sen. JACOBSON: Under present statutes yes they do. Under the Senate amendment they will not have to.

Sen. FERDINANDO: If the amendment is adopted by both houses the people who voted in the November election of last year will not have to reregister to vote again?

Sen. JACOBSON: That's right. In the cities are those who voted either in the general election or the town meeting last March.

Sen. TROWBRIDGE: Those people who don't have to reregister, those people who are going to be reregistered get a notice from a supervisor from regular mail under this bill.

Sen. JACOBSON: No. Those who did not vote will then proceed to reregister.

Sen. TROWBRIDGE: How will they know that they have to do that?

Sen. JACOBSON: There's a notice in the newspapers of their sessions.

Sen. TROWBRIDGE: I heard you testify as to not using certified mail but regular mail because it will return saying ad-

dressee not here, I was presuming that there was some way that the supervisors would pick off those who do not vote and say Dear Jack Jones you did not vote and you have to reregister. Isn't there something to that?

Sen. JACOBSON: No, if this amendment become law and the bill becomes law then two things will happen. Those who have voted in the 1972 election or town meeting will be automatically reregistered. Then those who did not vote in either one of those can come in at the open session and reregister. If then there are persons who have either failed to qualify under either of the two provisions then they will receive a notice that they have not reregistered and if that is returned then they will be taken off the checklist.

Sen. BOSSIE: Mr. President, I rise in favor of the bill as amended by the committee. It is estimated that the city of Manchester alone would have to pay \$6,000 to notify people by certified mail that they have to reregister. By doing this by regular mail it would save a substantial amount and perhaps by a \$1,000 or so. And I do like the idea of the committee in its recommendation that those people who have voted during the last election year, 1972, or March 1973 are deemed to have reregistered. Now obviously, their purpose is to vote and to continue to vote. It would give people who did not vote an opportunity to reregister by virtue of the fact that they will get notice. So I think this is a good amendment and I am glad also that they changed it to read that it will be effective upon its passage. And I urge that the Senate adopt this.

Sen. SPANOS: I concur with the consensus of Sen. Jacobson on this bill. I think everybody has been reading lately of the lack of reregistration to date in many of the towns and cities. I think in Newport there was an article today that indicated that only about one out of thirty voters have registered. And in Manchester I think it is somewhere along the line of 15,000 voters have registered out of about 50 or 60 thousand. My only question on the amendment is that it says a person shall be deemed reregistered and shall not appear before the supervisors if he has voted in the 1972 biennial election or in any biennial election ending in each year ending with an 0. Now that could be interpreted to mean any biennial election in the past, where it ended with an 0. Maybe the word, in any future of the misinterpretation or incorrect interpretation.

Sen. LAMONTAGNE: Mr. President, Sen. Jacobson, could you tell me why the effective date was not taken out?

Sen. JACOBSON: It is that, on passage.

Sen. JACOBSON: I believe and I'm trying to check it, that it is perfectly proper because it is in the context of the total statute.

RECESS OUT OF RECESS

Sen. Jacobson moved that HB 232 be made a special order of business for tomorrow at 2:01.

Adopted.

HB 205

relative to voter registration by town and city clerk. Ought to pass with amendment. Sen. Poulsen for the Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Forwarding of Names by City Clerk. Amend RSA 55:9-b (supp) as inserted by 1972, 47:2, by striking out said section and inserting in place thereof the following:

55:9-b Names to be Forwarded. The city clerk shall present to the next meeting of the supervisors of the checklist names of all persons making application to him since the previous meeting of the supervisors of the checklist. Unless the supervisors shall be of the opinion that an applicant is not qualified, they shall cause his name to be added to the checklist. If the supervisors do not place the applicant's name on the checklist, they shall notify the applicant of that fact.

2 Adoption by Towns. Amend RSA 55 by inserting after section 9-b the following new section:

55:9-c Adoption by Towns. A town may adopt the provisions of RSA 55:9-a and RSA 55:9-b upon a vote of approval at an annual town meeting. If a town adopts the provisions of RSA 55:9-a and RSA 55:9-b, the town clerk shall have all the powers and duties of city clerks as provided in RSA 55:9-a and RSA

55:9-b. A town may rescind its adoption of the provisions of RSA 55:9-a and RSA 55:9-b in a like manner.

3 Effective Date. This act shall take effect sixty days after its passage.

RECESS OUT OF RECESS

Sen. POULSEN: Mr. President this bill gives the right to the town clerk, it is not given to the city clerk to accept voters on the checklist. The amendment does two things. The amendment makes it mandatory for the names as submitted by the town clerk go to the supervisor of the checklist. If the supervisor of the checklist does not agree as to whether someone should or should not be on the checklist he is obligated to notify the person. It also gives the town the right to vote at the next annual town meeting whether or not they want to follow this procedure. It's not compulsory to a town until the town votes. Many towns oppose the idea of the town clerk having this function, and by this amendment we protect those towns, we also protect people who are refused access to the checklist by the notification.

Sen. BRADLEY: Sen. Poulsen, we now make this sort of thing mandatory. City clerks and cities don't have the power to decide whether they want it or not. And if it's a good law for them why is it not a good law for all the towns.

Sen. POULSEN: It's considered a tender thing in some towns. Some towns the supervisor of the checklist is very jealous of the power and many clerks don't want the added responsibility. It's done as a convenience to people and we do protect them by giving them the option of voting in town meeting.

Sen. BRADLEY: If we made this mandatory on the towns wouldn't we all be insuring that it would be easier for all the people who live in the towns who want to register, to register?

Sen. POULSEN: It's a possibility that it would be easier but I think it might also be very difficult to get cooperation of people who didn't want to perform in that fashion.

Sen. BRADLEY: Do I understand you to say that there were town clerks who opposed this?

Sen. TROWBRIDGE: Sen. Poulsen, I think you answered this, but I want to ask it anyhow. I take it that in its optional

procedure no one could, no town could bring this up until next March to adopt the provisions of the amendment? And at that point you might find that one town might adopt it and the neighborhood might not. Do you think it's right to have a uniform system of registration. Town to town different rules for different towns, don't you think that is confusing to the voter?

Sen. POULSEN: I don't think so. I think that the town would know perfectly well that they had the information if the town had voted it. They still have to register through the register of the checklist.

Sen. TROWBRIDGE: Just for the record that I'd like to say that it's the person inherently, who doesn't know that town, who is the new voter, who is the one who comes to be put on the checklist. He's the one who's not going to know the difference between the neighboring towns. I just wonder if this just is creating a difficult situation for people who think now that they can just walk into the town clerk; so they do and they say you just missed the last meeting of the supervisor of the checklist, so tough luck old boy. Isn't that what we are creating?

Sen. POULSEN: I don't think so. Because if the last meeting of the supervisor of the checklist the town clerk could not help them anyway. Because the town clerk has to supply the names to the supervisor of the checklist. It would have to wait to the next meeting.

Amendment Adopted. Ordered to third reading.

HB 377

repealing the authority of justices of the peace to sit as special justices in a district court. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved that HB 377 be recommitted to the committee on Judiciary.

Sen. BRADLEY: This bill would say in effect that no one other than a judge of a district court is considered a judge. The present policy is that any justice of the peace can come in as a substitute judge. There are a number of lawyers who are not judges but are fully qualified to be judges that ought to be allowed to sit. I think the committee may well be in agreement with that sentiment so we'd like to have that bill back to amend it so that we amend it to allow or at least consider that amendment.

Sen. PRESTON: I just want to speak in favor of the motion that because if an attorney very qualified to sit happens to be a justice of the peace I'm sure that this bill is not meant to be punitive to those people. I would urge you to vote for this motion.

Motion adopted.

HB 441

relative to the inspection of homes for neglected children and adoption procedures. Ought to pass. Sen. Gardner for the Committee.

Sen. GARDNER: Mr. President, this bill results in the study of the legal protection subcommittee on the commission on laws respecting children. It does three things. Under RSA 67:50 it authorized the director to appoint a representative to procure and supervise homes for the dependent and neglected children. At the present time it's the duty of the director and all this does is add. He can authorize the representative to do these things. Then it changes two other things. It strikes out repeals under RSA 67 Sections 44 and 49 and 54 and 56 and these are in relation to the support of neglected children in county houses and asylums and relative to certain adoption procedures, which in effect now are not necessary. It is a house-keeping bill really. Because everything that has changed here is the director has been represented by someone else because he can't supervise the homes and there's no necessity because we don't have almshouses and these other officials, the hospital attorney and private homes don't handle adoptions, anyway, at the present time.

Adopted. Ordered to third reading.

SB 139

permitting patients at Rockingham County Home and Hospital to fish without a license in waters on the property of said institution. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill sponsored by Sen. Sanborn, Foley and myself would permit the patient at Rockingham County Hospital to fish without a license in a pond on the property of this institution, as requested by the members of the Rockingham delegation, that the fishing season would begin on May 1 and the patients, the few who would take advantage

of this, would abide by all the regular seasons and limits as set by the Fish and Game Department.

Adopted. Ordered to third reading.

HB 385

relative to changing the name of the Association of New Hampshire Assessors. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, it seems that the association of New Hampshire Assessors has been, the name has been changed to the New Hampshire Association of Assessing Officials. And this bill will merely change the name within the statute area where it applies. We urge your support.

Sen. SANBORN: Senator, the old association as I remember, if the town didn't want to pay the dues they didn't necessarily belong. But I notice in the bill as written it says, they shall pay the amount. Doesn't this say that's mandatory for the towns to pay this?

Sen. DOWNING: Senator, this bill as it is presented, presents no change whatsoever in the present statute other than the name of the association. And all expenditures are subject to the audit, or the local selectmen and finance committee of the town. It represents no change.

Sen. SANBORN: If the question was raised in committee, Senator, does the committee feel unanimously that the state shall command and demand the assessors of these towns to be a member of the association?

Sen. DOWNING: Senator, it is not in fact required now. The language of the statute would appear that way but it is not required now, nor is it necessarily the practice now.

Sen. SANBORN: Then how do you define the word, shall?

Sen. DOWNING: I define it as you do, Senator but the practice in fact, has been one of permissive rather than mandatory and there is no assessing official that belongs to this organization or is active in this organization that is in disagreement with their local governing board.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS AT 1:01

SB 114

providing for a snow-making system for Mount Sunapee State Park and making an appropriation therefor. Inexpedient to legislate.

Sen. SPANOS: I move that SB 114 be recommitted to the Committee on Public Works and Transportation.

Sen. POULSEN: Mr. President, this bill which we voted inexpedient to legislate asks for the appropriation for \$700,000 for snow-making equipment at Sunapee State Park. The testimony at the hearing was given by the manager of the Park and Mr. Sullivan, Mr. Hamilton and Commissioner Gilman all of whom were opposed to purchasing snow-making equipment for Mount Sunapee State Park on the basis that it was too expensive for the good they would receive. They considered that they would get that much more by grooming the slopes, re-working the snow, using what they had rather than transporting water almost a mile, by pipelines to the base of the mountain and then using to make snow. They testified against it. The committee voted against it. We recommend that the bill is inexpedient to the legislature.

Sen. SPANOS: Mr. President, Mount Sunapee State Park is only partially within my district, mostly within Sen. Jacobson's district, but it has a very significant bearing upon the economy of the district. As a matter of fact, one of the reasons for the establishment of the park was to help the economy of that particular area and only incidentally to create a recreational area. I begin this way so that you can understand the basis of our concern. At the hearing and I actually admit to a failure, I didn't think there was going to be any difficulty with it, so I voiced by concern to the Chair or the members of the committee, I do know that there was very little evidence and support of the measure and my reason for my request for recommitment is that I would like to see the measure recommitted and then ask the kind and distinguished chairman of the committee from the people in the area who are deeply concerned about a more universal ski season at the park. I think they're the ones to hold a hearing at Mt. Sunapee State Park in order to hear who we sell the ski season's passes to and they're getting the short end of the stick because of the snow situation in our area. Now I'm not a skier myself, so I'm not calling upon you in any

selfish way, but I am concerned about the people of the area who do ski and who do pay a very large sum for the privilege of skiing at the State Park, who are not getting their due for the amount of money that they pay. I frankly don't understand the position taken by the Parks Division, by the Commissioner, the only thing that ex-Senator Gilman told me was that he would rather see the money put into some other area in the area of Parks. So I don't know really what his complaint is. I always say that even if it doesn't pay it does pay in this respect that it is going to take care of the people who use the park and also it is going to pay the innkeepers who are having difficulty keeping their reservations because of the fact that they get a report that snow is bad at Mt. Sunapee. And after all we are concerned about them too. I think this would open for a larger season, of two to four weeks at least, and it would be of benefit to the people of the area and the state and the innkeepers and I think there would be additional revenue as a result of this, assuming it doesn't come to the park itself it will come to the innkeepers, who spend their dollars in the area. We'll get additional meals and lodging taxes out of it. So there are many ramifications that should be considered here. And I hope that you'll give us the opportunity to have this reheard and have the people come up here so that they can express their views as to whether or not snow farming is necessary for Mt. Sunapee State Park. I will state one more further thing and that is this that most parks right now are in this snow farming business and private enterprise especially is involving themselves in it and if they're willing to risk their capital then I think the state ought to be willing to risk its capital. I hope you'll allow us to recommit this so that people have a chance to have a hearing on it.

Sen. JACOBSON: As you know I was unable to be at the hearing so I do not know all of the details. Did you take evidence in regard to the temperature over a period of time and the feasibility of snow making?

Sen. POULSEN: Senator, we had the most comprehensive information you could imagine. We had charts on the wall that wouldn't quit. We had rainfall, we had snowfall, we had temperature and it was proven to me as analytical as I could absorb the snow making machine would have a very minimal effect on the operation of the ski slopes.

Sen. JACOBSON: In other words, you are saying that the evidence presented to you was that the relation of temperature to snow making was inefficient in the Mt. Sunapee area?

Sen. POULSEN: Governed by several factors Senator, the location of the slopes, the days when skiing was not good due to lack of snow, temperature on those weekends the whole bit, it was all presented in what I thought was a very good fashion. Apparently the snow farming is governed by many factors not just the ability to make snow. It has to be made when the weather is a certain temperature for instance. And when their lack of attendance was bothering them, snow making wouldn't have helped as it was too warm to make snow. They have the meteorological history of the whole thing.

Sen. JACOBSON: I haven't seen the documentation. But I am aware of other areas that lie to the South of Mt. Sunapee were, in fact, making snow when the conditions at Mt. Sunapee were not good.

Sen. POULSEN: To respond to that it would depend upon whether it was a single slope. You probably could develop one slope but as I understood the testimony the location of the trails on Mt. Sunapee had a lot to do with the success of that particular day. And there would be no way that they could do all the trails. The good trails were said to be unreachable by snow making equipment anyway.

Sen. JACOBSON: Mr. President, I rise in support of the motion as adopted by Sen. Spanos, on all the grounds that Sen. Spanos has spoken on. I think that a bill of this sort does need the opportunity to be heard by the public at large and not alone by the managerial staff, because I think that there are many factors that go into it and other groups could raise other questions that go beyond merely, the managerial aspects of this.

Sen. POULSEN: Sen. Jacobson, would you object if this bill was recommitted that it was recommitted to a joint committee of Public Works and Finance at the same time so that the business of getting the people down from Newport could be done in one fell swoop rather than twice?

Sen. JACOBSON: I would wholeheartedly support that proposal.

Sen. DOWNING: I rise in support of the motion being a member of the Public Works and Transportation Committee,

and being a party to the committee report, I feel the argument of the Senator's is a valid one. The local people should probably not only have the opportunity to address themselves to the proposition but I think it is equally important that they be subject to the testimony that the committee was subject to. I think it was, as Sen. Poulsen pointed out, was in great detail and there is just no way I think anyone can justify getting into this project. And it probably will be the best for the parties concerned if the information was made to the parties concerned — the people in the area. So I support the motion to recommit and would be in favor of holding a hearing.

Sen. CLAVEAU: As chairman of the committee I support the motion to recommit. I was absent at the time when the bill came up. I agree that the bill should be recommitted.

RECESS OUT OF RECESS

Sen. TROWBRIDGE: I would like to amend the motion and recommit SB 114 to Public Works and Finance Committee.

Adopted. Recommended to Finance and Public Works.

HOUSE MESSAGES

HCR 16, congratulating the University of New Hampshire on the occasion of its fiftieth anniversary.

Sen. POULSEN: I move that rules of the Senate be so far suspend as to dispense with reference to committee and that this resolution be acted upon at the present time.

Adopted.

HOUSE CONCURRENT RESOLUTION NO. 16

Congratulating the University of New Hampshire on the occasion of its fiftieth anniversary.

Sen. POULSEN: Mr. President, this resolution congratulated the University of New Hampshire on its fiftieth birthday and I would refer this to graduates of the University to speak on the motion.

Whereas, The University of New Hampshire was established by the New Hampshire Legislature fifty years ago this week; and

Whereas, The University has continued to follow faithfully the precepts set for its predecessor, the New Hampshire College of Agriculture and the Mechanic Arts, under the Land Grant Act; and

Whereas, The University provides educational services, research facilities, and practical counsel and training to the benefit of our entire state community;

Now Therefore Be It Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire House of Representatives and Senate record themselves as offering congratulations to the University of New Hampshire on the occasion of its fiftieth anniversary, and best wishes for its continued success.

Rep. Joseph L. Cote, Hills. 28; Rep. Dudley W. Dudley, Straff. 4; Rep. William M. Gardner, Hills. 30; Rep. Robert H. Gillmore, Hills. 34; Rep. Louis C. D'Allesandro, Hills. 34; Rep. Robert M. Lawton, Belknap 1; Rep. Loring V. Tirrell, Straff. 4.

Resolution adopted.

ENROLLED BILLS REPORT

HB 124, to reclassify a certain section of highway in the town of Jeffrey.

HB 338, authorizing cities and towns to make payment of relocation assistance.

Sen. Provost
For The Committee.

RECESS OUT OF RECESS

SUSPENSION OF RULES

Sen. Jacobson moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report on HB 444 waiving publication in the Journal.

Sen. JACOBSON: This relates to HB 444. Mr. President, first may I apologize to the distinguished members of the Senate for this delay. I've never done this before but I feel that at this time it warranted it because of the pressure of the Gilford School District. The amendment adds a legalizing act with respect to the Gilford School District. They have had all of the

notices and meetings and they are on the verge of giving the contracts. But our friends down the river say that the budget committee chairman did not quite meet the requirements of the law and therefore, in order to be perfectly sure about the bond issue has requested that the Legislature legalize all of the acts of the school district meeting. Then the other part of the amendment is that as long as we were doing it the town of Salisbury has asked to have its March meeting of 1972 legalized. It was found that the posting of the warrant was one day late. And the town of Barrington will be discussed by Sen. Johnson.

Sen. JOHNSON: Mr. President the original bill on behalf of the town of Barrington was short one day notice in regards to a bond issue. Then they found that they would do better on short term notes; at the meeting held on June 13, they adopted the idea of short term notes but the lending bank wants the previous meeting legalized. The June meeting legalized on account of being short one day previously. A little complex, but it's short and simple.

Adopted.

HB 444

legalizing the annual town meeting held in the town of Barrington on June 13, 1972. Ought to pass with amendment. Sen. Jacobson for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford school district.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Town of Salisbury; Proceedings Legalized. All votes and proceedings at the annual town meeting held in the town of Salisbury on March 7, 1972, are hereby legalized, ratified and confirmed.

3 Gilford School District; Proceedings Legalized. The vote of the Gilford school district passed January 30, 1973 appro-

priating money for the construction, original equipping and furnishing of school facilities to serve pupils from the district in grades 5 through 8 and pupils from the district and the Gilmanston school district in grades 9 through 12 and authorizing the borrowing of \$4,850,000 for such purpose is hereby legalized, ratified and confirmed in all respects; and the school board is hereby authorized to issue \$4,850,000 bonds or notes municipal finance act pursuant to RSA 33 and 1973, 1.

4 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to third reading.

ANNOUNCEMENTS

The CHAIR: The Chair announces with respect to the Senate members of the Committee of Conference on HB 270, members will be Sens. Jacobson, Poulsen, Preston, Sanborn and Foley.

So that the situation will be a little clearer, as you know under Senate Rules 26 adopted by the Senate minority members of committee of conference are decided by the Minority leader. Committees of Conference, so far as can be done, will appoint members equal to that as appointed by the House until joint rules are adopted.

With respect to identity of Committee of Conferences, the Chair appoints Committee of Conference members and will continue to do so. The Chair will listen and take recommendations from committee chairman and would like to spread the work recognizing the areas of interest and expertise of members.

Sen. FOLEY: Mr. President, during the controversy surrounding Watergate, the Democrats have maintained some measure of silence. We have felt little need to rush in with accusations. Those involved have been doing this very aptly for us. As the story unfolds, each day brings about more names, more details, more involvements. I hesitate to dwell on this intrigue. By the time I give this speech there is no doubt that new details will be forthcoming. I'll leave developments until a later time. However, I should like to make a few observations in regard to the overall problem of Watergate and the surrounding developments, before and after that fact. First of all, it is

interesting to note the sequence of the name of the Watergate story (taken from news items) the Watergate Caper, the Watergate Lark, the Watergate Incident, the Watergate Nightmare, and now the Watergate Tragedy. It has progressed from a story of a few men dumb enough to get caught at a scandal which engulfs some of the highest names in the Executive Department. We are experiencing the unfolding of a script that television producers would probably have returned to the writer with a notation, "mission really impossible." Even TV addicts would never swallow such a series of events. Yesterday, Sen. David Bradley made some discerning remarks on the Watergate Affair. In one instance, I take umbrage with him. He said, and I quote, "in both the Watergate Affair and the New Hampshire Affair, the targets of the illegal snooping made the snooping rather silly. The Nixon administration he said, "hardly needed any additional ammunition to fight the McGovern forces." I disagree. Think back. How well do you remember? Before the primaries began in earnest, the national polls actually showed Senator Muskie of Maine as leading President Nixon in the race for President. Muskie had created a tremendous impression throughout the country as the vice presidential candidate on the 1968 Democratic ticket. He had continued with appearances for the Democratic Party, all over the fifty states. His future looked bright. He was indeed the frontrunner. Who knows, exactly, who pushed the panic button? Who knows yet who saw the possibility of loss of powerful jobs in the Executive Department fading away? It now has been admitted that there was sabotage committed within the Muskie camp. One has only to recall the first in the nation, New Hampshire Primary campaign to realize that, in all probability, we here in this state were the unsuspecting victims of some of this sabotage. We wondered how our next door neighbor, and outstanding man, could have slipped so badly. Now we know. He didn't really slip. In all probability, he was pushed. According to reports, the second secret fund that has now been uncovered paid for sabotage. I'm remembering incidents in this campaign — out of state "volunteer helpers." Where are they now? I'm remembering conversations which I had with the National Headquarters as we discussed the famous Canuck letter and other problems which we were experiencing. I wonder who might have worried so much that they might have sat and listened to an unsuspecting sincere worker trying against what I know now

were impossible odds. Small comfort now for Senator Muskie to know for certain what he has suspected all along, in New Hampshire and in Florida in particular. Sabotage. That's only party of this American tragedy.

I keep reminding myself that this operation — the sabotage — the Watergate this was not the work of the Republican National Committee. The Committee for the Re-election of the President had divorced itself from their National Committee. Their work was separate. Their funding was separate. In fact, many aspiring Republican candidates in various states learned this early in the campaign. CREEP (Campaign for the Re-election of the President) was solely for one person and for one purpose. The responsibility of this scandal falls on that group, situated in and out of the White House. It is not the scandal of the entire Republican Party and yet they will be forced to share the blame even though they themselves are blameless. I am remembering, when two newsmen out of Washington, started to unearth this incredulous saga, Mr. Clark McGregor, Chief of Mr. Nixon's Re-elections Committee said, and I quote, "Using innuendo, third person hearsay, unsubstantial charges, anonymous sources and huge scare headlines, the Washington Post has maliciously sought to give the appearance of a direct connection between the White House and Watergate, a charge which the Post knows and a half a dozen other investigations have found to be false."

And even as I watched television over the weekend, there were those who still do not think that this all happened, that the country is making a mountain out of a simple bugging incident, that it will go away and be forgotten in a short while, and some refuse to admit that it even happened, even though there are those who have pleaded guilty and who are serving time for the actual Watergate bugging. I don't think it will be forgotten in a hurry. It took ten months before the public accepted the fact that there were incidents which would be the making of a scandal. It will linger, of that I am sure. Politics will never be the same again. The shame of this American Tragedy will be fresh in the minds of every candidate who runs for one or considers running for any office. It's a warning to those who dream of winning the brass ring — you can be slick and smooth — you

can dream of the power of a White House job — social status — solid connections but there's the right way and the wrong way. I'm sure there are those bright young men who said "It couldn't happen to me." But it did. The bright young men, the Executive Dept. the entire stature of the country suffers. The case is not closed. It will be open for some time. We can thank a courageous judge named Sirica, and two newsmen who took untold ridicule and abuse. There is nothing so powerful as the truth. Thank you.

Sen. Foley moved that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow at 2:00 p.m. in Manchester, N. H.

Adopted.

LATE SESSION

Third reading and final passage

HB 233, relative to the amount of fees to be charged by the registers of deeds.

HB 205, relative to voter registration by town and city clerk.

HB 441, relative to the inspection of homes for neglected children and adoption procedures.

SB 139, permitting patients at Rockingham County Home and Hospital to fish without a license in waters on the property of said institution.

HB 385, relative to changing the name of the Association of New Hampshire Assessors.

HB 444, legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford School district.

Adopted.

Sen. Brown moved the Senate adjourn at 4:30 p.m.

Thursday, 26Apr73

The Senate met at 2:00 p.m. in Manchester, N. H.

A quorum was present.

Welcome was given by Senate President David L. Nixon.

Sen. NIXON: Ladies and gentlemen, my name is David Nixon, I have the honor as serving as President of the Senate this term except when the Governor is out of the state as he is today, so I will not have the honor of presiding. I would like to greet you and in behalf of the Senate tell you that we are very pleased to see this turnout on such a bad weather day to see the regular hometown Senate session. You will see and hear today exactly how a regular Senate session is conducted and the purpose of going out to the outlying towns and cities is to give you the opportunity to see at least a portion of state government in action, the state government which you pay for. We have available Senate Histories and we also have distributed the procedures which for the most part were adopted, and are part of our tradition for the purpose of seeing that courtesy and a degree of respect for each other and feelings on any issue and they are maintained during the course of any discussion. This is the 190 anniversary of the State Senate and it is in commemoration of that event, at least in part, that we have been traveling around the state. The idea of this project having come from Sen. Frederick A. Porter, from Amherst who serves as Senate Majority leader and having been developed somewhat by Sen. Trowbridge of Dublin. Without any further ado I will be turning the governing of this meeting over to the Senators from the Manchester area, Sen. Ferdinando, Sen. Bossie, and Sen. Provost. As I said my participation is limited by the reason that I am acting in the official capacity as acting Governor today, which means in effect that I am a man without a country. Without further ado, on behalf of the Senators I would now like to introduce the Mayor of Manchester, a man who is known for his civic contributions and his tireless devotion to the betterment of good government, the Hon. Sylvio Dupuis.

MAYOR DUPUIS: I am sort of tempted to say welcome to the Thursday Matinee, this being at 2:00. I do certainly want to welcome you to Manchester. I understand that we had lunch in

Hooksett and it is kind of convenient that we can do a town and city on the same day and I do think that this is a very worthwhile effort. I am glad to see this many people, even for this kind of day. The small souvenirs that we left at your desk I hope will be used to open correspondence from the City of Manchester and hopefully you will act favorably on that. Welcome to Manchester. We are delighted to have you here.

Introduction of Senators.

Pres. NIXON: I would now like to turn this over to Sen. Ferdinando.

(Sen. Ferdinando in Chair)

Sen. FERDINANDO: Ladies and Gentlemen, members of the Senate, it is a pleasure to see so many of you here from my district. I am very delighted to have the opportunity to have all of you here and at this time I would like to recognize President Shapiro, who is a long time friend and is responsible for having us meet here today, President Shapiro.

PRES. SHAPIRO: Ladies and Gentlemen, Hon. Senators: You know in many ways if it wasn't for you people this college wouldn't be here today. In fact, the last words that our graduates here on their way out of the college are something to this effect: The authority granted to me by the General Court of the State of New Hampshire I hereby grant you a Bachelor's degree or an associate degree in Science. It's every day that maybe some day student would wonder who in the hell those people were. Well, these are the people who really make us go and we need all of this support that you can give us and I am delighted that you were able to eat with us and meet with us and I welcome you to the college.

Sen. Jacobson led the Senate in prayer.

Sen. JACOBSON: Let us pray, O God our Father we thank you for the opportunity that we have to come and do this service of people, for it is our commission that we do the best that we can for others. We pray Thy blessing on this session and that we may continue in Thy service to do Thy will for Thy kingdom. Amen.

Pledge of Allegiance was led by Ms. Ellie White.

Sen. FERDINANDO: Before I introduce the Senate Historian, Leon Anderson, I would like to recognize my wife, Barbara, who has been responsible for getting me elected every year. At this time I would like to introduce Leon Anderson, our legislative historian.

LEON ANDERSON: We hope this State Senate meeting will not upset Manchester's political ghosts.

The Queen City used to battle Concord for legislative sessions. And now, finally, this afternoon's meeting is offered with a spirit of peace and harmony.

When the 1864 Legislature doubled the State House size, Manchester vainly offered \$500,000 to move it. Then when it was again doubled in size in 1909, Manchester anted \$1 million to get it, and again lost out.

This is the 12th of a series of weekly "Home-Town" sessions being held by the 1973 State Senate to celebrate its 190th anniversary, and the 350th anniversary of New Hampshire's 1623 settlement. This meeting is being sponsored by Manchester's three Senate members. They are Paul E. Provost, now serving a ninth consecutive term as Manchester's all-time Senate champion; second-term Richard F. Ferdinando, and freshman Robert F. Bossie, the Senate's only bachelor, and one of the youngest men, at 31, ever to serve in the upper branch of the Legislature.

A pamphlet history of the 190-year-old Senate is being distributed at these "Home-Town" meetings, and extra copies may be obtained for use in schools, etc., upon request to the respective Senators.

Manchester first rated but one Senator, when the membership was only twelve. It won two seats when the Senate was doubled in size in 1879. Then it began enjoying three Senators in 1893, went to four seats in 1915, and for the past decade it has been back to three Senators.

Manchester citizens have compiled illustrious Senate history down through the years since Frederick G. Stark became the city's first Senator in 1830.

Moody Currier of the noted Currier Art Gallery became Manchester's first Senate President in 1857 and later was Governor.

Also serving as president have been Herman Foster in 1861, Ezekiel A. Straw in 1865 and later Governor, Charles H. Bartlett in 1883, Harry T. Lord in 1909, George I. Haselton in 1915, Charles H. Barnard in 1947, Norman A. Packard in 1959 and Samuel Green in 1961.

Manchester has had two women Senators. One of them, Mrs. Marye Walsh Caron, set an all-time Senate feminine record with eight terms, after which she became New Hampshire's only woman member of the State Liquor Commission. The other was Mrs. Dorothy Green, following the death of her husband, President Green.

When Joseph P. Chatel, 44-year-old liquor dealer, became a Manchester Senator in 1899, he inserted into legislative records that he was the "first French Canadian State Senator in New England history."

George C. Gilmore, a Manchester Senator in 1881, went on to become a noted historian. He compiled a Senate membership history of its first century and researched a complete documentation of New Hampshire participation in the Battle of Bunker Hill, which is treasured to this day as a classic of Granite State history.

Pres. NIXON: Introduction of Senate.

Introduction of Rep. Lou D'Allesandro; Mrs. Guy Hunter; Mrs. Karl Hirt; Mrs. Henry Brinn; Mr. and Mrs. James St. Jean and Jennifer, Joyce and Jay St. Jean; Brian Cronin, nephew of the St. Jeans; Mr. and Mrs. Wm. R. Snelson, Miss Sonia Magdziasz; Mr. Arthur Bishop; Mr. George Naum, Union Leader photographer, by Senator Robert Bossie.

Sen. FERDINANDO: Thank you Sen. Bossie, I believe there is a former Senator Gamache that is here who should be recognized.

Sen. BROWN: Mr. President, I would like to introduce a gentleman to the Senate who is not only a constituent of mine but also a very good friend and he is also the Dean of Admissions here at New Hampshire College Mr. William Dean from Hampstead.

(Sen. Provost in the Chair)

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 149, relative to the location of hearings for proposed electric power plant and major transmission siting. (Smith of Dist. 3 — To Resources and Environmental Control.)

SB 150, relative to importing and releasing wild life. (Green of Dist. 6 — To Recreation and Development.)

SB 151, relative to changing the commemoration of Memorial Day to the last Monday in May. (Porter of Dist. 12; McLaughlin of Dist. 13 — To Ways and Means.)

SB 152, relative to liquidity requirements of building and loan associations, cooperative banks, and savings and loan associations. (Poulsen of Dist. 2 — To Banks, Insurance and Claims.)

SB 153, relative to exemptions allowed applicable to legacies and succession tax to non-related persons. (Trowbridge of Dist. 11 — To Ways and Means.)

SB 154, providing for certificate of need for health care facility capital expenditures. (Lamontagne of Dist. 1 — To Public Health, Welfare and State Institutions.)

SB 155, relative to limitations on the loaning authority of building and loan associations, cooperative banks and savings and loan associations. (Poulsen of Dist. 2 — To Banks, Insurance and Claims.)

SB 156, relative to penalties for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission. (Smith of Dist. 3 — To Resources and Environmental Control.)

SB 157, to increase the membership of the port authority by one member who shall be a commercial fisherman. (Preston of Dist. 23; Foley of Dist. 24 — To Recreation and Development.)

SB 158, relative to the time of taking office of the school board of the Mascoma Valley Regional school district. (Bradley of Dist. 5 — To Executive Departments, Municipal and County Governments.)

SB 159, permitting the water supply and pollution control commission to continue minimum algae control effort in the

surface waters of the state, and making an appropriation therefor. (Smith of Dist. 3 — To Resources and Environmental Control.)

SB 160, requiring the use of safety glazing materials in hazardous locations, in residential, industrial, commercial and public buildings. (Ferdinando of Dist. 16 — To Public Health, Welfare and State Institutions.)

HOUSE MESSAGES INTRODUCTION OF HOUSE BILLS First, second reading and referral

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord. Finance.

HB 697, relating to appeals by hospital service corporations. Majority: Public Health, Welfare and State Institutions.

HB 699, relating to investments of hospital service corporations. Public Health, Welfare and State Institutions.

HB 604, exempting ambulances from being required to pay tolls while on emergency calls. Public Health, Welfare and State Institutions.

HB 652, to expand and encourage the use of voluntary arbitration of disputes in superior court. Judiciary.

HB 591, amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two-year terms. Executive.

HB 566, prohibiting the unauthorized copying of certain recorded devices for sale. Judiciary.

HOUSE CONCURRENCE

SB 45, increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal.

HOUSE CONCURRENCE ON ENROLLED BILLS AMENDMENT

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

HB 292, providing for protection of persons engaged in scuba diving on the inland waters of the state.

COMMITTEE REPORTS

SJR 4

to reimburse Michael Savchick for efforts as project co-ordinator in the water pollution abatement of the Androscoggin River. Majority: Ought to pass with amendment. Sen. Ferdinando for the Committee. Minority: feels that the proper avenue for Mr. Savchick to go is to the courts to exhaust his judicial remedies.

AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of twenty-two thousand three hundred seventy-nine dollars and seventy-one cents is hereby appropriated to compensate Michael Savchick of Berlin for the state's share of his services as project co-ordinator in the water pollution abatement of the Androscoggin River. Such payment is in full and final settlement of this claim against the state for services as project co-ordinator subsequent to April 2, 1970 and shall be made upon the condition that Michael Savchick execute a document releasing the state of New Hampshire of all liability for this claim. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Sen. FERDINANDO: Mr. President, SJR 4 was introduced by Sen. Lamontagne in behalf of Mr. Savchick. Mr. Savchick was hired to serve as coordinator for a complex water pollution abatement project. It involved the towns of Berlin and Gorham and some other towns. He was directed by the New Hampshire Water Supply and Pollution Control to do this project. Now what happened in Mr. Savchick's case is that he worked for a period of time, nine months, without being paid.

As a result, this bill is asking for some \$37,000.00. Mr. Savchick was then paid as the contract was changed by the Anderson-Nichols Company and he was paid for a period of time. After this he was still awaiting payment for the first nine months plus several other months after this without any progress. So in essence, he worked quite a period of time without any money.

At the hearing we heard testimony from the Mayor of Berlin and also selectmen from Berlin, who were acting at that time and who felt that Mr. Savchick got a pretty bad deal. That his services were not compensated and so the majority of the committee felt that we ought to give some consideration and we amended this bill to allow him the state's share of the \$37,000.00 and this amendment is on page 52 of today's Calendar. So this is what the majority of the committee felt and we are hoping that the majority of you will go along with the majority report.

Sen. JOHNSON: I move that SJR 4 be indefinitely postponed.

Sen. JOHNSON: Mr. President, the minority, which includes myself and Sen. Bossie, feel that the proper avenue for Mr. Savchick to go is to go to the court to exhaust his judicial remedy. There are a few reasons. On page 14, the contract for professional services, sewerage, and pollution control facilities between the city of Berlin and the town of Gorham, the New Hampshire Water Supply and Pollution Control Commission and the Anderson-Nichols Company; here and after called, "engineer". Paragraph on section B it says "the engineer, which is Anderson and Nichols, agrees to be solely responsible for all bills and claims for payment for services and materials employed in his work, and to identify and save harmless to the owner." Another reason was that the great question came up at the hearing concerning the rate of pay. There was reference to the rate of pay at 10 thousand dollars a year which was stated in a letter — 3/20/72 — from the Mayor of Berlin. Somewhere along the line Mr. Savchick's rate of pay or the claims that he put in had been at 75 dollars a day plus expenses. Incidentally, the rate of pay lifted for professional services, was rated at 60 dollars a day. Along with these two questions the committee had had no evidence presented to determine whether Mr. Savchick was on the job. Let alone what rate he should have been paid. We feel that the court is very definitely the proper place that these facts should be determined and that in no case except possibly the

Water Pollution Commission might be a party to the suit, that the state should get involved.

Sen. TROWBRIDGE: Mr. President, I rise in opposition to the pending motion, and I favor the majority report. For this reason, I am not quite sure about those figures either Sen. Johnson, but I think those figures can be determined as to what the rate of pay should be. What I don't like is for this body to say that we have to send a citizen to the courts in order to pay a claim of the state. We are known as the good and general court I might remind the Senators and we are the court of last resort in this state especially when you have the doctrine of sovereign immunity. So from that point of view I do not want to vote on the basis that only the court can determine, that's not true, we can determine if we will. I am sure Sen. Lamontagne will speak on this later and I think he is right that we should pass this claim into the House and maybe they can wrestle it out better with the Berlin delegation. In the north country, people who have dealt with this subject and can deal with it better than let's say I can. I am against the motion to indefinitely postpone and in favor of the majority report.

Sen. PRESTON: I want to concur with what Sen. Trowbridge just said and I am against the pending motion. It's not my feeling that we should send in a citizen to bear his own expenses in court when this can be determined within our own body and specifically when it goes to the House and is taken up by the Berlin delegation.

Sen. LAMONTAGNE: Mr. President, I would first like to ask a question of Sen. Johnson, before I speak on this bill. Sen. Johnson, could you tell us whether anyone from the Water Pollution Commission appeared before your committee? Especially Bill Healey?

Sen. JOHNSON: I don't believe so, I did go over and talk with Mr. Healey.

Sen. LAMONTAGNE: Thank you. Mr. President, members of the Senate: I am sure that if there was something wrong with SJR 4 that Bill Healey from the Water Pollution Commission would certainly have appeared before the committee but he did not. I feel that the state has always had an obligation to pay its bills and I would also like to concur with Sen. Trowbridge in reference that this matter should be sent to the House

so that the Berlin delegation could take further action on this bill. I ask this Senate to do justice because I personally feel and I know, as a resident of Berlin that Mr. Savchick did work and I did hear his reports every Monday before the city council in the City of Berlin. Therefore, I know that Mr. Savchick has been on the job. I ask you, to pass this resolution as recommended by the majority of this committee and I'm opposed to this motion now to indefinitely postpone. Send this bill to the Berlin delegation and let them make the final decision on what's right as far as the figures.

Sen. SPANOS: Mr. President, I rise in opposition to the pending motion to indefinitely postpone. I am afraid and somewhat concerned that the adoption of sovereign immunity would prevent him from seeking recourse to the courts as I understand the law, and I could be wrong on this and because I could be wrong, I am standing on this issue, my understanding is that unless the legislature provides an avenue for the citizen to sue the state of New Hampshire, if he were to go directly to the courts the courts would throw the matter out on the doctrine of sovereign immunity, that you can not sue the state. I don't see how we ought to go this route of introducing legislation to allow them to sue in the courts when we can short cut it by allowing it through this procedure. Now because I am not too positive that the doctrine of sovereign immunity is applicable here, although I do think it is, I suggest and think that the Chair will refer this, if passed, to the Senate Finance Committee and the Senate Finance Committee will then explore the issue of whether or not proper compensation be paid, the facts and figures and also explore further the possibility as to whether or not the doctrine of sovereign immunity is applicable. I would hate to see sending Mr. Savchick to the courts and have him kicked out because of that law.

Sen. FOLEY: Sen. Trowbridge, when you were speaking was it your intention that this bill should be sent to the Senate Finance Committee to go directly to the House to the Berlin delegation?

Sen. TROWBRIDGE: I didn't plan to do anything. The Chair will decide whether it goes to Finance. Normally, anything of a rather large claim goes to finance because we have to find a place in the budget for paying the claim. That is the reason it goes to Finance and not for us to make another determina-

tion as to whether we should. If this body passes it out down to Finance then all the Finance will do is determine what the financial impact would be on the state budget and then we will pass it out for final passage.

Sen. PROVOST: Sen. Johnson, who was this fellow hired by? Berlin or the state of New Hampshire? Who was he working for?

Sen. JOHNSON: He was working for Anderson Nichols, according to the contract that he was paid by Anderson Nichols. He was originally hired by the city of Berlin as I understand it, and as we said, he was on the job for some nine months before the contract was originally signed. Then for about one year he worked for them and was paid. I believe he received some \$18,000.00 for that year. Then we are talking about an extension of time and that was the period that we are discussing and then there was some further small periods at which time he was planning work.

Sen. PROVOST: Did you say Anderson Little?

Sen. JOHNSON: Anderson Nichols.

Sen. PROVOST: Who hired them, Berlin or New Hampshire?

Sen. JOHNSON: There were two parties to the contract, the contract is with the City of Berlin and the Town of Gorham and hereinafter called the owner and the New Hampshire Water Supply and Pollution Control Commission in its capacity in it co-signer hereinafter called the Commission and the Anderson Nichols Company. So there were three parties to the contract.

Sen. BOSSIE: Sen. Trowbridge, I believe the motion that was made by Sen. Johnson was to have a body, either this body or the Finance Committee determine the facts. There appears to be a discrepancy with the bill and first of all whether it is legal or moral obligation. Secondly, is your committee going to sift through this and determine exactly the amount, if any, by Mr. Savchick? In other words are you going to have a hearing on the merits as well as the amounts?

Sen. TROWBRIDGE: I believe Sen. Johnson's motion was to indefinitely postpone. Is that not correct?

Sen. BOSSIE: Yes, but if he were to withdraw this what would your committee do?

Sen. TROWBRIDGE: We would take it in and try to determine what the legal liability of the state is as best we can and again I think knowing that this is a bi-cameral legislature send it to the House, if that is the will of the Senate where it will get into the hands of the Berlin delegation who are the ones really who know more about the facts, probably more than anyone and if they decide to pass it then there would be a committee of conference and which the Senate would be back in action and that way we could resolve it. My whole point is that I could not determine it, or my committee determine the facts any better than anyone else, but I don't want to see it die and have Mr. Savchick have to go into court and come back, as Sen. Spanos said "No, you're in the wrong place, you should have gone to the General Court." That is why I don't want to see this indefinitely postponed.

Sen. BOSSIE: Would you give us the assurance that this would get a full hearing on the merits as well as the amount?

Sen. TROWBRIDGE: By all means, I will also invite the Berlin delegation to come to that hearing.

Sen. JOHNSON: I withdraw my motion to indefinitely postpone SJR 4.

Amendment adopted. Ordered to Finance.

Sen. NIXON: I would like to introduce to the Senate some guests that I am very proud of, Mrs. Bernadette McNichols and her two children from Bow, her sister Dolores Keiser; and their joint mother, Marge Keiser, and my good friend Larry Williams from Manchester, all of whom helped me get elected. Also up in the balcony are two of my secretaries who are playing hooky from my office which is in Manchester Miss Jessie Bryl and Melissa Nordstrom.

HB 101

relative to aircraft financial responsibility. Ought to pass with amendment. Sen. Ferdinando for the Committee.

AMENDMENT

Amend RSA 422-A:3, I (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) The operator of any aircraft involved in an accident within this state in which any person is killed, or in which any person is seriously injured, or in which the aircraft is destroyed or has substantial damage and cost of repair is five hundred dollars or more, shall immediately, and by the most expeditious means available, notify the N. H. aeronautics commission at its headquarters in Concord.

Sen. FERDINANDO: Mr. President, this is a housekeeping bill. What it does is outline the reports of notification of rules for aircraft accidents. In essence, it makes the rules in accordance with the National Regulations and the amendment is on page 51. What the amendment does is gives the amount in statute, that any accident that comes up to the \$500.00 figure should be reportable and the Committee adopts it and hopes that you will pass it.

Amendment adopted. Ordered to third reading

(Sen. Bossie in the Chair)

SB 111

providing for the merger of the New Hampshire Teachers' Retirement System into the New Hampshire System and the protection of the benefits of all persons affected thereby. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President SB 111 would merge the New Hampshire Teachers Retirement System into the New Hampshire Retirement System with the protection of the benefits of all persons effected. It proposes to merge the assets and liabilities of the predecessor system for cost and administrative purposes and the retirement benefit would be paid under the provision, under the old system. It only applies to active teachers still in the predecessor system and there are approximately 150 to 200. The retired teachers benefits would remain the same as they are now.

Sen. TROWBRIDGE: Sen. Johnson, was there any testimony in the hearing about the cost of this merger?

Sen. JOHNSON: There was only the testimony that there wouldn't be any cost.

Sen. TROWBRIDGE: Did the actuary for the New Hampshire Retirement System appear before your committee?

Sen. JOHNSON: Mr. McAllister, yes.

Sen. TROWBRIDGE: Mr. McAllister? Thank you.

Sen. FOLEY: Mr. President, SB 111 is a bill dealing with the retirement system and it is a non-partisan piece of legislation that was sponsored by Sen. Downing, Sen. Nixon and myself. It allows for the New Hampshire Teachers Retirement System to merge with the New Hampshire Retirement System and it is particularly needed by the teachers in the New Hampshire Retirement System and I would like to urge your favorable passage of this legislation.

Adopted. Ordered to third reading.

SB 106

relative to the use of voting machines. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill was sponsored by Sen. Bossie of Manchester and it received strong support by the Secretary of State and it would allow towns and cities to petition the Ballot Law Commission to allow the use of paper ballots in any one or more elections or other limited balloting situations, in instances such as Exeter or Manchester where there are too many names on the ballot, offer special elections where they would save money by using paper ballots instead of machines.

Sen. BRADLEY: Sen. Preston, on this amendment where it says "petition the Ballot Law Commission" do I understand the meaning of this bill is that the Ballot Law Commission would still have the discretion as to whether or not they accepted the petition?

Sen. PRESTON: The Ballot Law Commission does have the discretion to permit or deny this petition.

Adopted. Ordered to third reading.

HB 479

relative to the time of installation of town officials. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this bill SB 479 pertains to the installation date of elected Town officers. It says the start of the term at the first of April following Town Meeting. Town officers elected by towns holding town meetings on the optional

date of the second day of May will start their term on June 1st. These changes are for continuity by having the Town officers who prepared the meeting stay in office during it.

Sen. SANBORN: In many of these towns the Selectmen act also as assessors of the Towns and I believe the law requires that those towns that are not on the option, that the property of the Town will be assessed by April 1. Now this man goes into office April 1 and he is supposed to know all the rules and regulations by April 1 and then he is supposed to know what he is doing properly.

Sen. JOHNSON: That is not the subject of this bill.

Sen. SANBORN: What you are telling me, I realize that it is not a subject of the bill. It does say that a new man, as I understand it, a new man is elected to the Board of Selectmen of the Town and in that Town the Selectmen act as assessors. Now, this new man is sworn into office on the first day of April and he has immediately got to go out and assess property without any previous instructions?

Sen. JOHNSON: I am not a selectman but I think the situation on the property is that it is assessed as of the date of April 1st, it does not mean that it is assessed on that day. The property of ownership as of April 1st.

Sen. SANBORN: It seems to me that these elected officials that are going in on the first day of April without any previous instruction is kind of quick notice to start to assess property.

Sen. JOHNSON: I would be inclined to agree with you.

Sen. POULSEN: I move that HB 479 be recommitted to the committee on Executive Departments, Municipal and County Governments.

Sen. POULSEN: Mr. President, I find that this bill makes me work an extra three weeks this coming spring which I don't much relish and I don't think, I haven't, the committee has, I haven't gone into the full aspects of this bill and I would like another chance at it.

Sen. JOHNSON: No objection.

Motion adopted.

SB 40

relative to the distribution of district court fees. Ought to pass with amendment. Sen. Johnson for the committee.

AMENDMENT

Amend RSA 502-A:8, I as inserted by section 1 of the bill by striking same and inserting in place thereof the following:

I. The clerk shall receive all fines and forfeitures paid into the district court from any source. After deducting witness fees, cost of clerk's bond, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court the clerk shall, except in cases otherwise provided, pay the same over to the treasurer of the city or town wherein said court is located to be distributed in accordance with the provisions of RSA 502-A:8-a.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Annual Surplus Distribution. Amend RSA 502-A by inserting after section 8 the following new section:

502-A:8-a Annual Surplus Distribution.

I. Clerks of each district court shall forward a record of the total number of cases disposed of during the preceding calendar year to the treasurer of each town or city wherein a district court is regularly located along with the information required herein.

II. From the fines and forfeitures paid over monthly to the treasurer as provided in RSA 502-A:8 and 9, the treasurer shall make reimbursement as provided in RSA 502-A:2-a and make the payments of salaries as provided in RSA 502-A:6.

III. After the payments provided for in paragraph II, the treasurer shall, during the month of January, distribute the balance of said fines and forfeitures in the following manner:

(a) The treasurer shall pay over to the treasurer of the cities or towns over which the district court has jurisdiction, except the town or city in which the district court is regularly located, an amount equal to the ratio which the number of cases prosecuted by city or town police or prosecutors bears to the total number of cases brought before said district court.

(b) All remaining fines and forfeitures shall be retained by the treasurer of the city or town wherein the district court is regularly located for the use of such city or town.

3 Effective Date. This act shall take effect October 1, 1973.

Sen. JACOBSON: Mr. President, SB 40, as the Senate will recall elicited a considerable amount of discussion when the Senate met in Amherst. Particularly over the question of whether the Senate Bill as originally written provided for the protection of those cities and towns where district courts were located with respect to the payment of judges and the maintenance of the court. The bill was recommitted to the Judiciary Committee and it has come out with the amendment which you will find on page 54 of your Calendar for today. The amendment does adopt a definite procedure, whereby all of the monies except those directly related to the Court Clerk expenses is turned over to the Treasurer of the City or Town and then the Treasurer pays the salaries and other expenses of the court which come under his jurisdiction and then after all expenses are paid there is a distribution of the surplus or the remainder of the monies that are available from the court which has not been forwarded to the state. Among the several towns, if the district court does contain several towns, it is based on the ratio of the number of court cases.

As you know I opposed the bill in its original form and I now favor the bill and I believe the original sponsor feels that the intention of his bill, in its original form, has been met and so I urge the adoption of the Committee Amendment.

Sen. POULSEN: Does this apply to the town of Littleton which now has two full time judges that are holding court?

Sen. JACOBSON: It does apply to the Town of Littleton.

Sen. POULSEN: Even though we are paying the normal judge's charge?

Sen. JACOBSON: Yes, in other words this bill would allow you to pay all of the expenses before you distribute any surplus to any other account within your district court.

Sen. TROWBRIDGE: Mr. President, I would just like to confirm, as the sponsor of the bill that this amendment does what was originally intended and through the vagaries of draft-

ing, it takes quite a while before we reached that point and I would just like to reiterate for the record that unless there is an actual surplus in the court the amount of money received by the court as opposed to the expenses of the court, you never get to the point of distribution. In other words, the Town where the court resides gets all of the money to bear the expenses of the court before you ever get to the question which was raised on SB 40. It hurts no one and does have inequities with the neighboring Towns and I urge your support of the committee amendment.

Amendment adopted. Ordered to third reading.

HB 364

to abolish artificial and unrealistic limitation on recovery for wrongful deaths in New Hampshire. Ought to pass with amendment. Sen. Bradley for the Committee.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

removing limitation on the right of dependents
to recover for wrongful death.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Removing Limits On Dependent's Recovery For Wrongful Death. Amend RSA 556:13 (supp), as amended, by striking out said section and inserting in place thereof the following:

556:13 Limitation of Recovery. The damages recoverable in such an action shall not exceed fifty thousand dollars except in cases where the plaintiff's decedent has left either a widow, widower, child, father, mother, or any relative dependent on the plaintiff's decedent in which event there shall be no limitation. In the trial of such an action the jury shall not be informed of the limitation, if any, imposed by this section and if the jury awards damages in excess of such limitation, the court shall reduce the amount of damages awarded to conform to such limitation.

2 Effective Date. This act shall take effect sixty days after its passage and shall apply only to causes of action after its effective date.

Sen. BRADLEY: Mr. President, fellow Senators, the amendment to this bill, which is the entire bill, can be found on page 53 and going over to page 54. The bill as passed in the House would have abolished the entire limitations on wrongful death actions. A wrongful death action comes about when a person acting as an administrator or an executor of an estate sues a wrongdoer who is responsible for the death of the decedent. A typical example would be in automobile cases where a person has been killed. The present law is that there is limitations on the amount that the estate may recover against the wrongdoer which is \$120,000.00, where the person has close relatives, and where the person doesn't have close relatives, the limit is, I believe, \$30,000.00. The amendment as proposed by our committee and which seems to be acceptable, at least as a fall back position to the insurance companies as printed here in today's Journal, to the effect that under this amendment there will be no limitation on the amount that the estate can recover. If the decedent has left either a widow, a widower, a child, father or mother or any relative who is dependent upon him, if the person who is killed does not have such a relative then there is a limit of \$50,000.00 on the amount that the estate can recover. The thinking here is that if a person doesn't have a close relative or a person who is dependent on him, there isn't really anyone to be compensated for the wrongdoing and allowing the sum in excess of \$50,000.00 would be punitive rather than compensatory which is the basic philosophy of the wrongful death statute.

Sen. JOHNSON: What effect would this have on the insurance rates?

Sen. BRADLEY: I don't think anyone has been able to answer that question. It is a question that has been raised in every session in which this bill was introduced which was many times in the past, and there has been claims by the insurance companies that it would indeed increase our rates, although there has never been anything to my knowledge and I have lived with this issue for a number of years, that there has never been anything to substantiate that there would be a substantial increase in insurance rates as a result of this. Naturally, the possi-

bility exists that it would increase the rates if the recoveries do exceed the present limits.

Sen. JACOBSON: First, I am concerned in the part where there is no decedent I assume that it is a financial or economic dependent?

Sen. BRADLEY: That is right.

Sen. JACOBSON: If there was to be a suit under that part of the provision that could be brought in by any other relative?

Sen. BRADLEY: No, in each case the action that we are talking about under this section and under this chapter is brought by the estate or the administrator of the estate and the first issue in the lawsuit is whether you come under one part of the statute or if you come under another. If you have the various relatives, father, mother, child, or spouse or dependent relative than you come under the part that says there will be no limitation and it will be up to the jury just like in the other case.

Sen. BRADLEY: If you can establish that there is one of these relatives in the picture, then the limit would be fifty thousand dollars that you could recover.

Sen. JACOBSON: In the event of the individual not leaving any known relative and therefore, his estate not being assigned to anyone, and ultimately being recoverable by municipal or political subdivisions, then the administrator, appointor, or executor appointed could then sue and recover for ultimately the state. Is that not true.

Sen. BRADLEY: In the case where no relative could be found of the estate any amount recovered on the behalf of the estate would be escheat to of the state of New Hampshire as I understand the law.

Sen. JACOBSON: With respect to the second portion, unlimited portion, I think you answered Sen. Johnson's question when you said you had no evidence with regard to increased insurance rates. However, now it is the opportunity to sue for any amount. Is it not a rational assumption that if the settlements are going to increase twofold, threefold, fourfold, or five fold, that the money has got to come from somewhere. And do you assume that it comes from the profit of the insurance companies?

Sen. BRADLEY: No, my answer was that it was logical to assume that the rates won't go down as a result of this and there was never anything produced that I am aware of that indicates that rates will increase substantially because of this law. Even if there are some recoveries, which there might be under this law, it would be twice what they had been in the past. This does not mean that the insurance rates are going to double obviously because this would be one isolated case.

Adopted. Ordered to third reading.

CACR 12

Relating To: Jury Trial in Civil Causes. Providing That: The Supreme Court by Rule of Court Shall Determine the Value in Controversy for the Right of Trial by Jury in Civil Causes. Ought to pass with amendment. Sen. Bradley for the Committee.

AMENDMENT

Amend [Art.] 20th, as inserted by paragraph I of the concurrent resolution, by striking out the same and inserting in place thereof the following:

[Art.] 20th [Jury Trial in Civil Causes.] In all controversies concerning property — and in suits between two or more persons, except in cases in which it has been heretofore otherwise used and practiced, and except in cases in which the value in controversy does not exceed an amount which has been determined by statute, and title of real estate is not concerned the parties have a right to a trial by jury and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relates to mariners' wages the legislature shall think it necessary hereafter to alter it.

Amend paragraph IV. of the concurrent resolution by striking out said paragraph and inserting in place thereof the following:

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the General Court:

Are you in favor of amending the New Hampshire Constitution by permitting the value in controversy needed to entitle parties to the right of trial by jury in civil cases to be set

by statute, instead of the present constitutional limitation of five hundred dollars?

Sen. BRADLEY: Mr. President, fellow Senators: The amendment to this bill is printed on page 53 of today's Calendar. This constitutional amendment concurrent resolution, as you will recall, has been before us one or two other times. The last time it was before us it was referred back with rather specific instructions that it would be amended to provide that it be the legislature rather than the Supreme Court that sets the amount in controversies for jury trials and this amendment does that. It simply says in the constitution that the amount which has been determined by statute and by statute meaning the legislature with the signature of the Governor or overriding the Governor's veto but that the amount in controversy necessary to be entitled to a jury trial will be something which will be said by a regular bill in the legislature if this constitutional amendment is adopted.

Sen. DOWNING: Mr. President, I rise in support of the committee report and this being the third time out I would like to compliment the judiciary committee for finally getting it right.

Sen. TROWBRIDGE: I wanted to wait Mr. President until the amendment was adopted. At this point I would like to give Steve Smith's speech and that it would be better to have the amount be determined by something other than the constitution which is the present situation and which locks in the amount which is the point at which you are entitled to a jury trial. That is, we must keep in mind the CACR 12 would do away with something that was bad whether all of us agree with what it is doing, it is a good thing to get the amount out of the constitution.

Amendment adopted.

Division: 18 Yeas, 1 Nay.

Ordered to third reading.

Sen. SPANOS: I would like to make evident the reason for my great dissent on this vote. I think that the resolution as originally drafted was correct and I think that this is going to open a can of worms by allowing the legislature to propose as the amount, the value for a jury trial. For two reasons, num-

ber one: they are non-expertise in the field and the political arena it will get into and then secondly, I would like to say that it would be another backhanded slap in the face to the Supreme Court who have already had several slaps by other sources.

Sen. JACOBSON: Senator, one of the reasons you gave was that the General Court would have a lack of expertise, are you suggesting that there will be no members of the New Hampshire bar that are going to continue in the legislature?

Sen. SPANOS: There are many of us who have the expertise but you must understand that we are in the minority and we can not take on four hundred legislators and nineteen other Senators.

Sen. FERDINANDO: At this time, I would like to introduce Don Doyle and Mary Goodwin.

(Sen. Ferdinando in the Chair)

HB 358

relative to overtime pay for nursing home employees. Ought to pass. Sen. Sanborn for the Committee.

Sen. Sanborn moved that HB 358 be recommitted to the committee.

Sen. SANBORN: Mr. President, since we have had the hearing on this bill, an executive session, and about getting ready to report to the Senate, and behold we received some information that there are inconsistencies that will not allow us to make overtime payments to these nurses and I would move at this time that this bill be recommitted to the committee so that we can correct the mistakes in the bill.

Adopted.

HB 394

relative to providing education for handicapped children. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, members of the Senate, House Bill 394 in essence allows for more children to be covered up to the age of 21 who are physically handicapped to provide better education. It also allows the State Board of Education to start children in school, lowering the age to four and at the present time it is felt that a person who starts at a younger

age, they can give them more guidance and assist them in many facets and I move the adoption of HB 394.

Sen. TROWBRIDGE: I would just like to support the bill and I would like to show in the last sentence in the bill it says, quote, "in Cheshire County, upon request of such a school district, and upon approval of the county convention the county may raise and appropriate funds to pay a portion of such cost for special education under this section." The reason that's there, in case anybody is anxious, if we do it now, that the counties in Cheshire County has been using twenty thousand dollars of its own funds to support the New Hope School which provides exactly this kind of education for the handicapped and I would recommend the practice to all communities.

Sen. PRESTON: Sen. McLaughlin, just a question your children up to the age of twenty one, I'm curious about the recent bill we passed regarding the age of majority, what effect would this have on this bill and would it terminate assistance at age eighteen?

Sen. MCLAUGHLIN: As I understand the bill, no. It would take children up to the age of twenty one and it would take the handicapped that need special assistance and this is the purpose of the bill.

Adopted. Ordered to third reading.

HB 686

relative to the lien for uncollected property taxes upon any house trailer or mobile home. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 686 was sponsored by Representative Nutt of Grafton District 13 and Representative Wiggins of Sullivan District 8. It merely extends the period whereby a municipal tax can be placed on trailers or on mobile homes to eighteen months to the current 12 months and it would be in accord with the lien period on property. It was requested by the tax collectors association and Representative Nutt appeared in favor of it and Mr. West from Concord represented the New Hampshire Tax Association and there was no opposition and I urge your support.

Adopted. Ordered to third reading.

HB 519

relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill is sponsored by Rep. Hanson of Merrimack. What it does is gives the same exemption to salesmen and real estate brokers as is now given to insurance agents. There are many exemptions listed whereby the employers do not contribute to the unemployment compensation fund. This would be item T on the exemptions and it is uniform to that relating to insurance agents which is item M on the present exemptions. There was a number of people related to the real estate industry who supported the bill and there was no opposition. It appears that this is something that has been more or less understood for years under the insurance clause but recently there has been activity and there has been a test case introduced where somebody is going back and trying to collect unemployment compensation. This would go along with clearing up that area and it would identify it more positively in the statute area. I urge your support.

Sen. BRADLEY: Do you have any information as to what the rules are in other states for these people?

Sen. DOWNING: I don't, I believe the federal government recognizes it as an exemption category. As far as the individual states are concerned, I don't know. I do know that the practice has been in New Hampshire and I believe that it was common law that this was an exemption. It is only recently because there is one case in the court and I think that there are other cases pending over in the Keene area where they are wrestling around with it and waiting to see how the one in court makes out before they proceed with it. The department isn't opposed to it and I believe that it has been the understanding of everybody up until now.

Adopted. Ordered to third reading.

SPECIAL ORDER FOR 2:01**HB 232**

relative to changing the type of notice required to one who has failed to reregister as an eligible voter. Ought to pass with amendment.

Sen. JACOBSON: I move that the substitute amendment be in place of the committee amendment.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the process of reregistration of eligible voters.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Reregistration through Recent Voting. Amend RSA 69:26-a, as inserted by 1969, 263:1, as amended, by inserting after paragraph III the following new paragraph:

III-a. For the purposes of this section, a person shall be deemed reregistered and need not appear before the supervisors:

(a) if he has voted in the 1972 biennial election or in any succeeding biennial election in each year ending with a zero; or

(b) if he has voted in the 1973 annual town meeting or in any succeeding annual town meeting in each year ending with a one.

3 Effective Date. This act shall take effect upon its passage.

Sen. JACOBSON: Mr. President, yesterday afternoon we discussed HB 232 and there was a question raised by Senator Spanos with respect to the possibility of the wording of the amendment would have possible retroactive consideration and so we rewrote the amendment and added two words "succeed" so that it would be the succeeding election after 1972 and succeeding the Town Meeting after March 73. Those are the only two words that were added from the amendment that appeared in yesterday's calendar and makes it perfectly obvious that this has to do with the future and not with the past.

HB 232 has as its original intention changing the original intention changing the reregistration notices deposited in the mail from certified mail to regular first class mail. The rationale is that any undelivered mail would be returned to the supervisors of the check list and such would act as an indicator that

the voter no longer lives at that address and the assumption then is that the voter has removed himself from the ward or town. A further reason is that the cost of sending "certified" mail could be very large, especially when sociologists tell us that one family in five moves every year. This part of the bill remains.

The Senate Amendment provides that any person who has voted in the general election or town meeting previous to the reregistration shall be deemed to have registered by so voting. This amendment grows out of the considerable confusion raised by requiring universal reregistration despite the fact that the overwhelming number who voted either in November or March are presently residents.

Furthermore all of our trends are in the direction for making it more easy to vote, why then should we throw a road block in the way of participating voters.

Furthermore by processing this amendment, the workload of the supervisors of the checklist would be reduced as well as the cost of reregistration. May I also add that if you read last evening's Concord Monitor you would have seen that the reregistration is very slow and we might end up with much reduced checklists.

Finally the Senate amendment makes the bill effective on passage in order that it may be applied to the supervisors' responsibilities immediately. The substitute amendment clarifies the Senate Amendment by adding the words "succeeding" in two places so that it is clear that the intention of the legislation is for the future and bears no relationship to past time. The committee recommends that the bill itself and the substitute amendment.

Sen. TROWBRIDGE: I want to speak as a real compliment to the committee and the Senate for doing this on this particular bill. I don't know of anything in my district that has caused more confusion than the thought of reregistering everyone especially since most people are right there. I think that the Senate should be complimented for getting a good solution to a problem and doing it well and I just wanted to get up and say that.

Adpoted. Ordered to third reading.

ANNOUNCEMENTS

Sen. PORTER: This morning a decision was announced by Senate President Nixon and the Speaker of the House Jim O'Neil that the Senate Finance Committee, and a sub-committee of House Appropriations will commence hearings on Tuesday, May 1st, at 9:00 a.m.; on the subject of New Hampshire's continued participation as a member of NEOCIS. New Hampshire is contributing \$5,000 to the support of this organization and the question as to the reliability and validity of the organization has been raised. Invited to attend and participate as witnesses will be Governor Thomson, Mr. John Milne of UPI, Commissioner Richard Flynn, appropriate officials of NEOCIS, the Attorney General and the individuals and organizations referred to, whose records were inquired after. Each witness will be advised he is free to testify under oath, and the Sergeant-at-Arms of the Senate will participate in the swearing-in ceremony. They will go until 12:30 p.m., and continue on Wednesday at 9:00 until completion and it is expected that the Joint Committee will have a report by the House and Senate on Thursday next, whether or not to continue participation of the funding and if it is justified.

COMMITTEE OF CONFERENCE REPORT

The Committee of Conference to which was referred House Bill 349 An Act relative to census of persons as of April first, having considered the same report the same with the following recommendations.

(1) that the House recede from its position of nonconcurrency, (2) that the Senate recede from its position in adopting its amendment and that the House and Senate concur in the adoption of the following amendment to said bill:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to a census of persons as of April first and a separate listing of homestead residence property.

Amend said bill by inserting after section 1 the following new section:

2 Homestead Residences. Amend RSA 74:4, as amended, by inserting after paragraph III the following new paragraph:

IV. The owner's statement of the latest assessed value of homestead residences.

(a) For the purposes of this paragraph, "homestead residence" shall mean the property used as a principal place of abode by the owner. It includes the land and buildings appurtenant to the residence. It includes house trailers and mobile homes that are used by the owner as a residence. If any part of the owner's place of abode is used for business purposes, then the owner shall only list the latest assessed value of that portion of the real estate which is used as a residence.

(b) The intent of this paragraph is to show the value of all land and buildings used as homestead residences in a city or town.

Further amend said bill by renumbering the original section 2 to read section 3.

Sen. Delbert F. Downing
Sen. Walworth Johnson
Sen. Robert F. Preston
Sen. Andrew W. Poulsen
Conferees on the part of the Senate

Rep. Russell C. Chase
Rep. John M. Bednar
Rep. Richard D. Hanson
Rep. Fred E. Murray
Conferees on the part of the House

Sen. Downing moved adoption of the Committee of Conference Report on HB 349.

Sen. DOWNING: The conference report is printed on page 55 of today's calendar. It will be remembered that House Bill 349 relates to the changing of inventory forms to provide a census. The Senate put the amendment on there to change the form to provide for separate listings of homestead residents property. The amendment would have included the changing of the selectman and city forms and keeping their records. The House rejected this, the committee of conference reached a compromise positions where the change would be limited to the state inventory form and HB 349, according to the committee of conference report would change the form to provide for the census which was the original intention plus it would

provide separate listings of homestead property. I urge your adoption of the report.

Report adopted.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until Tuesday next at 1:00 p.m. in Concord and with special thanks to Mayor Sylvio Dupuis for his warm welcome to our largest city, Manchester, and for the fine remembrance we all received from the Mayor; thanks also to President Shapiro, President of New Hampshire College for acting as host for this session and allowing us the use of the facilities of this fine educational institution; thanks to Rep. Lou D'Allesandro, athletic director of New Hampshire College for the use of the gym; thanks to the Dean of Student Government, Mr. George Larkin; thanks to our acting chaplain Senator Alf Jacobson, and that we adjourn with the hope that the problem at Grenier Field will be solved with no further loss of lives or accident. We extend concern and sympathy to those families already involved.

Adopted.

LATE SESSION

Third reading and final passage

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to place on third reading and final passage at this time HB 101, SB 111, SB 106, SB 40, HB 364, HB 686, HB 519, HB 232 and further that we dispense with the reading of the title and assign the titles previously read by the chair.

Adopted.

HB 101, relative to aircraft financial responsibility.

SB 111, providing for the merger of the New Hampshire Retirement System and the protection of the benefits of all persons affected thereby.

SB 106, relative to the use of voting machines.

SB 40, relative to the distribution of district court fees.

HB 364, removing limitation on the right of dependents to recover for wrongful death.

HB 394, relative to providing education for handicapped children.

HB 686, relative to the lien for uncollected property taxes upon any house trailer or mobile home.

HB 519, relative to exemption for commissioned real estate salesmen and brokers for contribution requirements of RSA 282.

HB 232, relative to the process of reregistration of eligible voters.

Adopted.

CACR 12, Relating To: Jury Trial in Civil Causes. Providing That: The Supreme Court by Rule of Court Shall Determine Value in Controversy for the Right of Trial by Jury in Civil Causes.

Division: 18 Yeas, 1 Nay.

Adopted.

Introduction of Martha Levenselar by David L. Nixon.

Sens. Bossie and Provost moved the Senate adjourn at 4:00 p.m.

Tuesday, 1May73

The Senate met at 1:00 p.m. with Vice President Spanos in the Chair.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Father of us all, help us to share each other's burdens and be merciful unto us, when we fail Thee.

Grant unto us this Law Day — jurisprudence for all men

and women; young people, little children and those to be born, the right to life, liberty and the pursuit of happiness.

Hear us, we beseech Thee, O Lord. Amen.

Pledge of Allegiance was led by Sen. Blaisdell.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 161, designating a certain portion of route 13 in New Boston as Davis Scenic Drive. (Nixon of Dist. 9 — To Public Works and Transportation.)

SB 162, relative to mining and removal of minerals and making an appropriation therefor. (Porter of Dist. 12 — To Resources and Environmental Control.)

SJR 14, providing a supplemental appropriation for payment of counsel for indigent defendants. (Sen. Bradley of Dist. 5 — To Judiciary.)

HOUSE CONCURRENCE

SB 139, permitting patients at Rockingham County Home and Hospital to fish without a license in waters on the property of said institution.

HOUSE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 444, legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford School district.

HB 205, relative to voter registration by town and city clerk.

HB 341, changing the date for distribution of sweepstakes funds.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 224, to reclassify a certain section of highway in the town of Orange. Public Works and Transportation.

HB 556, relative to the trustees of the New Hampshire Annual Conference of the United Methodist Church. Judiciary.

HB 363, relative to persons qualified to vote. Executive Departments.

HB 629, relative to the fees for birth registration cards, vital statistics records and certificates of marriage. Executive Departments.

ENROLLED BILLS AMENDMENT

HB 195, relative to semi-annual collection of taxes in cities and towns.

AMENDMENT

Amend RSA 76:15-a as inserted by section 1 of said bill by striking out lines four, five and six and inserting in place thereof the following:

A partial payment of the taxes assessed on April first in any tax year computed by taking the prior year assessed valuation times over half of the previous year tax rate; provided, however, that whenever it shall appear to the selectmen or assessor that certain

Sen. R. SMITH: The House amendment to this bill provided for the insertion of one word but when the section (RSA 76:15-a) was written with the amendment several words in the original bill were omitted. This enrolled amendment is for the purpose of correcting the error.

Amendment adopted.

NON-CONCURRENCE BY THE HOUSE AND REQUEST FOR A COMMITTEE OF CONFERENCE ON

HB 233, relative to the amount of fees to be charged by the registers of deeds.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives: Reps. Weeks, Hanson, Huot, Hammond, and E. Davis.

On motion of Sen. Blaisdell, the Senate voted to accede to the request for a Committee of Conference.

Adopted.

ENROLLED BILLS REPORT

SB 33, relative to payment of court fees for breath tests of blood alcohol content.

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the state and to provide construction standards for certain public buildings.

HB 72, relative to requirements and prohibitions for county officers and employees.

HB 370, relative to the appointment and removal of medical referees by the county commissioners.

HB 446, relative to support of relatives.

HB 564, relative to annual meetings of credit unions.

HB 323, relative to the right to know law.

HB 325, relative to games of beano.

HB 342, relative to liability for support for relatives

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company and changing the notice requirements when the charter is amended.

HB 441, relative to the inspection of homes for neglected children and adoption procedures.

HB 519, relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282.

SB 45, increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal.

SB 139, permitting patients of Rockingham County Home and Hospital to fish without a license in waters on the property of said institution.

HB 292, providing for protection of persons engaged in scuba diving on the inland waters of the state.

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

HB 385, relative to changing the name of the Association of New Hampshire Assessors.

HB 686, relative to the lien for uncollected property taxes upon any house trailer or mobile home.

HB 205, relative to voter registration by town and city clerks.

HB 394, relative to providing education for handicapped children.

Sen. Provost
For The Committee.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION

SCR 7, regarding air operations over Cambodia.

Referred to the committee on Rules and Resolutions.

COMMITTEE REPORTS

SB 107

providing full creditation for teacher members of group I under the New Hampshire retirement system and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. SMITH: Mr. President, again we have before us another bill relative to retirement system. What this bill does in effect, is put the teachers, members of group one, under the New Hampshire Retirement System on the same basis as the teachers under the New Hampshire Teachers Retirement System. Under the New Hampshire Retirement System teachers are granted only one half year credit for service over thirty years. Under the Teachers Retirement System they are granted four credits in hopes that their people, members of the New Hampshire Teachers Retirement System will transfer to the other system. This gives equality to the system and knocks out one reason why this should not be a transfer. I think this bill

has a great deal of merit and the financing of this bill will be supported by both the state and the school district. If this report is accepted which I hope it will be it will go to Senate Finance where other bills are awaiting overall evaluation.

Adopted. Referred to Finance.

SB 109

providing for the calculation of average final compensation over three years for teacher members of group I under the New Hampshire Retirement System. Ought to pass. Sen. S. Smith for the Committee.

Sen. SMITH: Mr. President, this is another bill, obviously dealing with the New Hampshire Retirement System. What it does basically is to allow teachers to base their credit on their last three years of service rather than the last five. This is presently the case with firemen and police and it seemed to the committee that this was an equitable solution. The financing of this would be completely absorbed by the teachers who contribute to the pot. Again I hope that the Senate will look favorably upon the bill.

Adopted. Referred to Finance.

HB 297

relative to the standardization of reports of state agencies and distribution of state publications. Ought to pass with amendment.

AMENDMENT

Amend RSA 278:5 as inserted by section 37 of the bill by striking out in the section title the word "Annual" and inserting in place thereof the following (Biennial), so that said section as amended shall read as follows:

278:5 Biennial Report. The council shall biennially make a report of its activities and progress to the governor and council and the report shall also be contained in the biennial report of the department of labor.

Further amend the bill by striking out section 49 of same and inserting in place thereof the following:

49 Department of Labor. Amend RSA 273:10 by striking out in line three the word "annually" and inserting in place

thereof the following (biennially) so that said section as amended shall read as follows:

273:10 Reports. He shall transmit to the legislature a report upon these matters when he shall deem the occasion of sufficient importance, with such recommendations as he shall think advisable. He shall biennially make a report of the proceedings of the department of labor to the governor and council, containing the transactions of the office and such other matters and recommendations as he shall deem proper.

50 Effective Date. Sections 2 and 3 of this act shall take effect sixty days after its passage. Sections 1, 4-49, shall take effect on January 1, 1974.

Sen. JOHNSON: Mr. President, the amendment is on page 51, as proposed by Colonel Benton. This bill is 29 pages long and unless someone insists I will not read it to you. Many hours have been spent analyzing reports of state agencies. The bill proposes to simplify and standardize the reports of approximately 125 state agencies and to make readily available to the public the many publications. In many instances, the reports are changed from annual to biennial reports, the bill does not in any way take from the legislature to have as many copies as they desire. Depositories will be established for reports at twenty five locations. The state business supervisor will be responsible for recommending guidelines to the Governor and to model important programs. There is no requirement for additional personnel, or additional staff. We recommend the acceptance.

Amendment adopted. Ordered to third reading.

Introduction of Commissioner Alexander Kalinski, to speak on the function of the department of Public Utilities.

Statutory Responsibilities and Authority of Public Utility Commission.

The statutory responsibilities and authority of the Public Utilities Commission are covered primarily by Chapter 362 through 381 of the Revised Statutes Annotated. Additional responsibilities are added by RSA 162-F, in connection with the Site Evaluation Committee for Bulk Power Supply Facilities.

The Public Utilities Commission has the statutory respon-

sibility for regulating the various 122 utilities in New Hampshire under its jurisdiction. These consist of:

- 8 Electric Companies
- 8 Gas Companies
- 1 Pipeline Company
- 1 Steam Company
- 20 Water Companies
- 15 Telephone Companies
- 1 Telegraph Company
- 1 Express Company
- 8 Railroads
- 50 Motor Vehicle Carriers
- 3 Water Borne Carriers
- 2 Toll Bridges and Toll Roads

Our primary statutory purpose then is to assure the public that it will have adequate and reliable service at just and reasonable rates. Thus, our jurisdiction over the utilities in New Hampshire concerns itself with two main areas, *SERVICE* and *RATES*.

Recent Developments and Programs of Public Utility Commission.

From an organizational standpoint, the Commission is divided into functional entities consisting of the Engineering, Finance and Transportation Departments, and Administration through the Commission Secretary.

In recent years, the workload of the Commission has been increasing steadily, while the size of the Commission staff has remained almost the same. As a result of this, the Commission has not been able to adequately perform all of the many tasks required of it by statute.

There has been an increase of 6 utilities over 1971. There are pending 60 potential Water Companies, an increase of 300%, in new development areas.

For example, in 1958, there were 92 tariff filings. In 1972, 138 tariffs were filed with contents of from 1 to 50 pages, an increase of 50%. It is anticipated that, because of the inflationary trend in our economy, the number of rate cases will continue to increase, although it is difficult to estimate the actual number of future rate cases.

Also, in the early 1960's, informal cases before the Commission were running 150 to 200 per year. More recently, they have been averaging 250 to 300 per year, an increase of 50%.

Further, in recent years, there have been a substantially greater number of telephone and personal visit complaints which the Commission generally records as a 'contact memo' and to which no informal case number is assigned. These totalled 146 in 1971 and 259 in 1972, an increase of 77%.

It is expected that complaints, field audits and engineer inspections will continue to increase in each of the next three fiscal years.

Under the statutes, the Commission has prescribed standards of service governing the operation of all electric, gas, telephone, and water utilities. These cover categories of service applications, customer information, deposits, meter reading, quality of service, meter accuracy and testing, equipment and facilities, records and reports. Compliance with the prescribed standards of service is noted by field inspections and analysis of periodic reports. Both of these areas are suffering under the present staffing and workload.

Personnel Situation of the Public Utilities Commission.

The Public Utilities Commission currently has 25 employees in addition to the three Commissioners.

The Finance Department has a Finance Director, an Assistant Finance Director and a Clerk-Steno II.

The Engineering Department has a Chief Engineer, four Assistant Engineers and two stenographers.

The Transportation Department has a Transportation Director, an Assistant Transportation Director, four inspectors and three stenographers.

In the Administration section, there is a Secretary of the Commission, an Assistant Secretary, an Accounting Technician, and three stenographers.

Budgetary and Financial Situation of the Commission.

The FY73 budget totals \$393,600 with \$12,300 from Federal Funds, \$12,300 from Gas Utility Tax, balance of \$302,700

from the Utility Assessment Tax, and \$66,300 from General Funds (Property Carriers).

This compares with the FY73 budget total of \$346,600, with \$3,500 from Federal Funds, \$3,400 from Gas Utility Tax, balance of \$280,500 from the Utility Assessment Tax and \$59,200 from General Funds (Property Carriers).

Needs Regarding Future.

The basic need the Commission has at this time is the hiring of additional staff in order to be able to handle the increased workload of the Commission adequately.

In the budget which we have submitted to the Legislature, we propose six new positions to augment our staff.

In the Finance Section, we seek two Accountant III's and 1 Account-Clerk III. At the present time, we have only 3 people in this Section, a Finance Director, an Assistant Finance Director, and a Clerk-Steno II. This staffing is totally inadequate in order to perform the necessary auditing of the 122 utilities the Commission regulates.

In the Engineering Section, we seek an additional Engineer (Electrical) to help ease the increased workload in field inspections, complaints and analysis of periodic reports.

In the Transportation Section, we seek a Transportation Analyst to assist in handling the backlog of cases in that Section as well as to help keep the increased workload of this Section on an even basis.

Finally, in the Commission Administrative Section, we seek an Economist to assist the Commission in rate matters and other financial economic matters coming before it. In the recent major telephone and electric rate cases, the Commission had to employ outside consultants to assist it in these matters. If we had a Staff Economist, this might not have been necessary, with a resultant saving of both time and money.

The entire expenses of the Commission are assessable against the various utilities under the Commission's jurisdiction under the provisions of Chapter 363-A. These are assessed quarterly. Thus, although the Commission received a General Fund Appropriation initially, this is fully refunded to the General Fund by the collection of the Utilities Assessment Tax. In

addition, the Transportation Section turns back over \$100,000 each year into the General Fund from fines and fees, over and above its expenses.

This, in effect, means that the ratepayer of the utilities pays for the entire expenses of the Commission. It amounts to only pennies in the average ratepayer's bill.

By adding the six positions we seek, the additional expense to the ratepayer would be minimal. The additional help, however, would enable the Commission to adequately fulfill its statutory responsibilities. In short, we believe it would be penny-wise and pound-foolish to continue with the present staffing, when the additional staff, at a minimal cost, would increase the Commission's services to the ratepayers substantially and keep the workload of the Commission current, to everyone's benefit.

Very truly yours,
N. H. Public Utilities Commission
Alexander J. Kalinski, *Chairman*

Sen. PRESTON: Commissioner, what can the average user, the housewife, the businessman do who complains of terrible telephone service? For example, is it a question of increase in rates or poor performance or what?

Comm. KALINSKI: The matter of telephone service and complaints about it are something that I have heard a lot about in the last three years as you undoubtedly know. I've had pretty poor service in my own house, in fact, in New Hampshire on occasion so I know what you are talking about. The fact of the matter is that the demand for telephone services, and all other services have been going up so not only have people been moving into New Hampshire and requesting service but a lot of people have been using the existing telephone service. You try to call home as I do sometimes, and the phone is being used by someone in your family and the use has increased a great deal so that I don't have the figures in my mind but in recent years the telephone company has increased its expenditures from 11 million to 46 million over a period of five or six years in New Hampshire. In Nashua, for example, they have an electronic switching system which is close to being operative this month. Now, people do have legitimate complaints about phone service. The reason for it is that they don't have adequate facili-

ties in some instances to handle the service requirements of the company. And the only way they are going to overcome that is to spend the necessary money to put into the facility. In the meantime however, the way that the complaint should be handled if not resolved is us. Any complaint is followed up. A lot of time people are impatient and unreasonable but not too many times, but if that's the case we'll tell them so and if the company is wrong we'll tell them so also. We have the authority to tell them to correct any service situation that is wrong. So, that the answer to the question is that if we can resolve it with the company, they have to come to us and we have the power to question them.

Sen. SMITH: I have had complaints from several constituents who have applied for permits for wrecking service, wrecking truck service who say they had to wait four or five months or longer before they had action taken on their applications. My question: is this due to a shortage of personnel in your office? What is the present status of the Boston and Maine from Concord to Lincoln?

Comm. KALINSKI: As to the first question, there is no doubt that there has been delays in some instances, unreasonable delays. I recently had the transportation director go through cases and prepare a summary for me of all the cases when they have been entered and when they have been decided. When the law was new there was a delay in the manner of the setting up of processing. But sometime last year I realized that there was this backlog and I delegated to the transportation director several times last year the last time being in December, the obligation of hearing cases as an examiner. In December he scheduled and heard quite a few of them. Our backlog of cases is down now to maybe fifty or seventy. We put in our transportation budget request, a request for a transportation analyst whose sole function, to keep that docket current. There has been an unreasonable delay in some cases and we are taking steps to change this.

With respect to the line from Concord to Lincoln, I really don't know what juncture this is in in the court. The Attorney General's office has hired special counsel from Massachusetts who has been working on those cases with a member of the Attorney General's staff and he would have to give you more

precise information about his status. I know that it's before the court and I don't know whether it's been heard.

Sen. BRADLEY: With respect to the conveyance and the necessity of certificate for track would removing that part of the law, would that involve a loss of this taxing power? Secondly, what is the position of the commission on removing the track laws from the text?

Comm. KALINSKI: To answer your last question first it would remove quite a burden from our shoulders because those have been our most contested cases and our most disputed cases in the last few years. With respect to removal of the PCM standard, I don't know what effect that would have. Just removing to a different part of the industry. There are three exemptions in the law now. It probably would have no effect on the rest of the law. As to its practical effect it has been indicated that there is a lot of competition in the company nationwide and the big companies are moving in attempting to take over all of the small operations. And I really don't know what the effect will be. I really don't know what the net practical effect of it would be. But as far as the law itself, I don't think that it would effect the rest of it.

Sen. CLAVEAU: Commissioner, is there much of a delay to granting authority to having a hearing due to the fact that the Commissioner has been extremely busy in the past several years with telephone rates, public service rates, water rates, I think there's been a greater amount involved than in years before?

Comm. KALINSKI: Yes, I forgot to mention that we've had two major rate cases, telephone and public service companies. We sit in on hearings of these companies, along with all the other agencies hearing the application of the public service company for approval for their site for a nuclear power plant so that a lot of our time has been taken up with these other hearings.

Sen. JACOBSON: One of the complaints that I received, and that is the additional cost on the telephone bill on the dollar for each unit you have in your home. And a number of people have asked me why they can't just buy the telephone instead of having this ad infinitum.

Comm. KALINSKI: The question you asked really relates to and is part of the question of an overall tariff. The way that a company operates, is that they file with us a tariff which includes all of the items. And in rate design, which is a very complex and difficult subject which our staff has to look over and determine whether or not the allocation of the rate amongst the various services which the company offers are fair and reasonable. And you have to look at the overall picture and not just at one particular item. Whenever there is a great amount of stress put on any particular part of the tariff we look at it and see what we can do. In short, what the answer is that we try to look at the overall tariff as presented by an utility, and see whether or not on an overall basis it is fair and reasonable.

Sen. LAMONTAGNE: I wonder whether you can tell me whether or not the Tepco is now known as the International Generation Inc. Is that still applying for permits?

Comm. KALINSKI: To the best of my knowledge there has been no application filed before our commission for Tepco. We heard reports that they are going to file reports without committee but to date we have had no filing of any kind. We've had requests for information, with people connected with that committee but to date we have had no filing of any kind.

Sen. LAMONTAGNE: How long have they been applying for this information?

Comm. KALINSKI: For the last two or three years.

Sen. BROWN: Commissioner Kalinski, I'd like to pursue a question. Is it true that when this legislation was passed in 1967 that in the Grandfather Clause that some of the larger truckers both in state and out of state received permits without necessity of a hearing?

Comm. KALINSKI: As I understand it, I wasn't there then, but the applications were prepared and a lot of people requested grandfather rights based on their service and in the application they had to list the territories that they covered and the commodity they handled and all of the other information. Now three and four years later we have discovered in several instances that the rights of the grandfather clause has had to be amended. Now the answer to your question is that there may be some people who have rights more extensive that they were

entitled and we would have no way of knowing unless they are called to our attention. They should have been checked at the time more thoroughly and more fully, but the staff we had did the best they could. There were a terrific number of applicants all at once and they handled them the best they could at that time.

Sen. BROWN: I think you're getting at the subject that you are trying to bring out — to show this necessity of need for this local person, to apply for a hearing and to apply for the right of rubbish hauling. It has become difficult for the local man to serve the area because of the permits already issued even though they do not pick up in that area. Is this true?

Comm. KALINSKI: I disagree. I don't think that it is difficult for anybody to get a permit providing that he just comes in, and he doesn't even need a lawyer, and present letters and affidavits and testimony as long as they establish a public interest or public need in that particular area but has given evidence to us we'll restrict it to whatever the evidence shows, but you'll have to understand. All of our hearings are transcribed, they are all subject to review by the Supreme Court and in that sense we function in a quasi-judicial capacity. We can no more be arbitrary or unreasonable than anybody else because there is a way to overcome and undo what we've done if we have been arbitrary.

Sen. CLAVEAU: Is it true that the carrier as a statewide operation certificate can perform in a given area? That this could be issued to anyone even if there already are carriers in that area if they do not sufficiently fulfill that area's needs?

Comm. KALINSKI: Yes. That would be one of the reasons for issuing another certificate. If the service isn't being rendered and it can be shown.

COMMITTEE REPORTS

HJR 22

in favor of the North Conway fire department for rescue operations. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this joint resolution for \$1,023 has been subject for some conversation I think for three or four years. It has to do with work done by the North Conway Fire Rescue Department for rescue operations. They

certainly have done the work, the bills were presented, the only thing that happened is the last time that this claim came through we were on our austerity program and the House decided they weren't going to pass anything no matter how small or acceptable on principle because there was no money. And down through our hearing, with the fourth hearing in the process of going through the House and Senate came everybody involved and I would certainly say that it was the unanimous opinion of the Senate Finance committee that we owed this money for a long time and that we should pay it as quickly as possible. I hope you will vote for this resolution.

Adopted. Ordered to third reading.

HB 427

relative to penalties for reckless driving. Ought to pass with amendment. Sen. Bradley for the Committee.

AMENDMENT

Amend RSA 262-A:61 as inserted by section 1 of the bill by striking out in line seven the word "suspended" and inserting in place thereof the following (revoked) so that said section as amended shall read as follows:

262-A:61 Reckless Operation; Minimum Penalty. Whoever upon any way operates a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who operates a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any special regulations made by the director, shall be, notwithstanding the provisions of Title LXII, fined not less than one hundred dollars nor more than five hundred dollars and his license shall be revoked for a period of sixty days on the first offense and from sixty days to one year on second offense. If the death of any person results from reckless operation of a motor vehicle, the person convicted of such reckless operation shall be guilty of a class B felony. This section shall not be construed to limit or restrict prosecution for manslaughter.

Sen. BRADLEY: Mr. President this is a fairly simple amendment to a fairly simple bill. The present statutes on reckless operation have a certain penalty provided for it. This penalty will be proceeded by the provisions of the Penal Code unless House Bill 427 is enacted. It is the feeling of law enforce-

ment people that this particular penalty for reckless operation should be preserved in substance notwithstanding the provisions of the criminal codes which go in effect on November 1. Therefore, all that the bill does is say notwithstanding the provisions of the criminal code, that the penalty for reckless driving will continue to be a fine of not less than \$100 or more than \$500 and a revocation of license on the first offense for sixty days and on the second offense sixty days to one year. Now the original bill used the terms suspension and all that the amendment does is change the words suspend to revoke. That is consistent with other legislation that we passed this session.

Sen. SANBORN: Senator, down in my area I've got a dragway or two and it says here whoever operates a vehicle recklessly or so on and so forth, and it says a bet, wager or race, now does that mean that these people on that dragway down in Medford are going to get arrested every time they run down the tracks?

Sen. BRADLEY: I don't think so. The amendment to this is printed on page 51 of today's Calendar as I should have pointed out. I thought that the words on a public way were in here, but I see that they are not but I do believe that that sort of thing is exempted under another statute. At any rate this particular bill and amendment are not being changed in any way in respect to the language of the statute.

Amendment adopted. Ordered to third reading.

RECESS

OUT OF RECESS

SPECIAL ORDER OF BUSINESS

HB 606

relative to the control of abortion. Majority: Inexpedient to legislate. Minority: Ought to pass. Sen. McLaughlin for the Majority.

Sen. MCLAUGHLIN: Mr. President and members of the Senate, today I am giving the majority report of the Public Health and Welfare Committee Report on HB 606 that is Inexpedient to Legislate.

The United States Supreme Court in its recent ruling on

abortion, considered but one of the three parties involved. Abortion concerns mother, father and unborn child, neither of the two last were allowed rights by this court.

A petition to the Supreme Court for re-hearing in the case of Connecticut amicus brief plus support by the states of Arizona, California, Colorado, Georgia, Kentucky, Louisiana, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, Michigan, North Dakota, Utah, West Virginia and a few more.

I quote from 41 Law Week, page 4227, where the court said — and I quote — “We need not resolve the difficult question of when life begins.” It must be very clearly pointed out, that the Supreme Court left open, therefore, the question of when life begins.

The Supreme Court has erred and strayed very far in the past — witness the infamous decision of Taney in the Dred Scott case in 1856. This famous case decided that although negroes were humans, they were not persons in the eyes of the law. The 14th amendment to the United States Constitution was enacted specifically to overturn this decision. Its interpretation of person is sweeping and includes all living humans.

Therefore since when and by whom have we been given the powers to become the judge of when life begins.

This bill says we have.

This bill says we regulate if Mary is to have a sister or not, or if Patrick is to have a brother.

Is this correct — we the majority of members on the committee do not believe this is correct.

Our Constitution's history and tradition are crystal clear.

a. Life and its right to protection in law is not conferred by the state.

b. Legal personality is not conferred by virtue of color, age or class.

c. When human life exists, legal personality exists. The Constitution of the United States provides for this right, yet the Supreme Court denies this right.

When does Human Life Begin?

A question with several opinions:

Legal abortions have not solved the problems of illegal abortions in countries like Japan and Scandinavia where legal abortions can be performed.

What's Next after Abortion?

If the American intellectual class, having already condoned the barring of prayer in the classrooms of the nation's public schools, is willing to look the other way while the Supreme Court destroys something so basic as the right to life of the child in the womb, then the mercy killing of other unwanted human beings for reasons of age, economics, or inconvenience, incompetence or defective to society may not be far off.

Legislation has already been introduced in Oregon, Hawaii and Florida to allow mercy killings.

Life or death, this is the question you will be faced with in the abortion issue here today.

Shall we give the unborn children a chance to live or shall we deprive them of life?

Shall we support the majority of our people in New Hampshire in helping the unborn?

Judge it to be a mass of cells, a piece of meat, then vote for abortion.

Judge it to be human life then join us in fighting for their right to live with all the energy and resources at your command. then Vote Against the proposed HB 606.

Sen. BROWN: Senator McLaughlin, I understand that Senator Nixon introduced an amendment to your committee this morning. Have you taken it into consideration?

Sen. MCLAUGHLIN: Senator, an amendment was proposed this morning to our complete committee, all members being present and this was talked over and it was decided unanimously by all members of the committee that this was to be tabled.

Sen. BROWN: In your prepared remarks that you say on item C "when human life exists and human personality exists," then you go on to say, "the constitution of the United States provides for this right yet the Supreme Court denies this right." Is it not true that the constitution of the United States is whether we like it or not what the Supreme Court says it is?

Sen. MCLAUGHLIN: From interpretation.

Sen. Sanborn moved the minority report "ought to pass" be substituted for the majority report.

Sen. SANBORN: Mr. President, I make this motion in full expectation that this will be my first and last term in this honorable Senate, for by tomorrow, the press of New Hampshire will have labeled me as the greatest killer since Attila the Hun. Where some of you may be known as "Midnight Harry," "Devious Dave" or the "Prince of Privilege" I will be known as "Bloody Bill from Deerfield Hill."

But, Mr. President, I have made this motion for exactly the opposite reason, in hope to save life. And I hope that the press present will quote me correctly.

I have received many letters, as many telephone calls, read various accounts in the press and sat for hours in joint committee listening to various people express their views relative to abortion. Not once during this period have I heard one person opposed to HB 606 call the bill by its correct title "an act to control abortion."

Everyone in opposition to the bill informs me that they do not believe in abortion and yet they want to kill the only bill to control it in New Hampshire.

Let us look at the record as Al Smith used to say. Up to January of this year, New Hampshire had a strong anti-abortion law. Over the past few years, bills have been filed to liberalize the New Hampshire law. All these failed.

In January, the Supreme Court of the United States held that *no* state could prohibit abortion in the first 22 weeks of pregnancy. In that first 22 weeks, the Supreme Court said, a state can regulate abortion by establishing the rules and resolutions under which an abortion can be performed. But they can't prohibit it. Not in the first 22 weeks.

The court further stated that after this first period the State *can* prohibit abortion provided it allows abortion in those instances where it is necessary to save the life of the mother.

Although the Supreme Court dealt directly with the Texas statute, it clearly declared our New Hampshire statute unconstitutional. The Attorney General has so stated in a written opinion dated February 5, 1973.

Therefore, New Hampshire has no law at this time regulating or controlling abortion.

We were told in committee that the Concord Hospital is performing several abortions every week since the Supreme Court action. We can be reasonably sure that an abortion performed in a hospital will be accomplished in relative sanitary and safe conditions — but — how many are being performed by some quack or butcher with a bloody coat and a desire to make a buck. HB 606 requires that an abortion can only be performed with a doctor. It protects our hospitals and members of the medical profession. By letting them know when, and under what conditions an abortion can be performed. It specifies that no doctor or hospital can be required to participate in or perform an abortion. It provides a basis for the Department of Health to establish further rules and regulations. It conforms to the regulations imposed by the Supreme Court's decision.

Most of those that oppose HB 606 do so because they say they oppose abortion.

What they don't understand is — to kill HB 60 kills any chance to control abortion in New Hampshire. Those who want to put the knife to HB 606 are the ones with the blood of unborn babies on their hands — plus — the yet to be counted mothers who will be killed by the butcher's or quack's knife or coat hanger.

You that oppose HB 606 — you of the press who oppose HB 606 — don't come to me with the dead mothers on your conscience — don't come to me because your moral sense is upset because New Hampshire has no abortion control. My answer to you will be short — not sweet and to the point.

If you do have some small feeling for these mothers and babies — then vote to control abortion — vote yes on ought to pass.

Sen. BRADLEY: Sen. Sanborn, I think that may be the finest speech that has been given on this floor, this session. My question is a little more mundane. But with respect to the regulations that you referred to in your speech, is it not true that several regulations have already been drafted and are so fit.

Sen. SANBORN: I stand corrected.

Sen. BRADLEY: And isn't it also true that unless we pass HB 606 that we will not only have 606, but we will not have any such regulations in the state of New Hampshire.

Sen. SANBORN: That is correct sir.

Sen. LAMONTAGNE: I move that HB 606 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I have here letters from many people throughout New Hampshire and including here a petition who are in opposition to HB 606. And in these letters here there is only one letter from Hanover, New Hampshire who is in favor of HB 606. Now, I could go on further and tell you, and repeat what has been said by Sen. McLaughlin, but I don't think it's necessary and therefore, I urge you to indefinitely postpone HB 606.

Sen. JACOBSON: In that mail that you have received have those who have written the letters dominated between the question on whether or not we should have abortion and that of whether or not we should abide by our tripartite system of judicial, executive and legislative and in this instance to obey the rule of law that has been established by the Supreme Court?

Sen. LAMONTAGNE: All these letters that I've read (individually) everyone was in opposition to HB 606.

Sen. JACOBSON: The Senator did not answer my question.

Sen. LAMONTAGNE: If the Senator wishes to read these letters I'd be glad to submit them.

Sen. JOHNSON: Senator, in all these letters did the people suggest any alternative to striking down all controls?

Sen. LAMONTAGNE: They did not, they were all in objection to HB 606.

Sen. JOHNSON: They did not suggest any alternatives? They just want to wipe out all control?

Sen. LAMONTAGNE: Yes, that's right.

Sen. SANBORN: These people prefer to have uncontrolled abortion in this state.

Sen. LAMONTAGNE: The way that the letters and the

petitions read to me, that they were in opposition to the House Bill 606.

Sen. SANBORN: Now if HB 606 is killed at this time, what law will we have on the books to control abortion?

Sen. LAMONTAGNE: Well, I still feel that this matter should be left in the hands of a doctor and I'm sure that the doctors wouldn't be taking any chances of violating the law of this state.

Sen. SANBORN: In other words, you believe and the people who have written to you that with uncontrolled abortion, not under the law, that any quack can set himself up to handle abortions?

Sen. LAMONTAGNE: Right, now Senator, I'm not talking about any pending legislation I'm now speaking about what has been passed by the House and the wishes of all these letters that I have here.

Sen. GARDNER: Having listened to all the arguments at the public hearing, I am still opposed to HB 606.

I believe there are other solutions besides abortion to cope with unwanted pregnancy, I also believe a fertilized ovum is a human being with vast potential and not just a "blob" of tissue as many described it.

I still believe an infant was once a fertilized ovum and upon birth is a more mature, larger and more developed person that what he was in entirety at the moment of conception.

Let us consider the reason expressed at the hearing to justify abortion, and my reasons to justify opposition to abortion.

Rape: There are very few conceptions which occur due to rape. A scientific study of 35,000 cases of rape treated in hospitals in the Minneapolis St. Paul areas revealed no cases of pregnancy. This study took place over a 10 year period.

Battered and unwanted child: Is there anything more battered and unwanted than a live baby that has been suctioned from the mother's womb? This process of aborting is horrible.

Rubella: Mothers must have Rubella during their first twelve weeks of pregnancy to have their babies affected. How-

ever, Dr. Moloshok reviewing 15 major studies found that only 16.9% of the babies would have defects. What this says is abortion for Rubella will kill 5 normal babies for every defective one.

Of these children who are affected (a) 50% had hearing loss, most correctable by hearing aids, (b) 50% had heart defect, almost all surgically correctable, (c) 30% had cataracts, often one sided, most had *fair* vision, (d) Mental retardation was 1.5% compared to 1% in a nonaffected population.

RH problem: Legal abortion can sensitize a mother so that her babies will have RH problems, need transfusions and occasionally be born dead or die after birth. This can be tested for and largely prevented by giving a medication called Rhogam. PKU is now controlled by diet.

Mental Health: The suicide rate among pregnant women is extremely low compared with other women in child-bearing years.

Serious mental illness specifically related to pregnancy is very rare. If it is not caused by pregnancy how can it be cured by abortion?

If a woman is sufficiently disturbed to secure abortion or psychiatric grounds, abortion alone will not reach the roots of her problem.

The mental health provision was used in California under the new law in 438 of the first 549 abortions performed. Over 60% of Colorado's recent abortions were on the same grounds. Most of the women involved were married. It would appear to me that those abortions became a contraceptive failure device.

Population Explosion: In 1970, U.S. Census count placed the U.S. population at 204.7 million. Between the decade of the 50's and 60's we had the second lowest rate of increase of any decade in the history of U.S. except in the 30's "the depression years."

Population trends have been prescribed both as to increase and decrease. 1910-1936 trend downward, 1936-1957 trend upward, 1957-1970 trend downward. The post war babies of the 50's are coming of marriageable age. They constitute a "population bulge" of 52% more people in the most fertile 20-24 age group. It was expected they would produce a temporary

overall increase in total births even if they had fewer children per family than their parents. Surprisingly they are having so few babies that the total number born in 1971 was actually 100,000 fewer than in 1970.

It is estimated that in 1976 there will be 800,000 fewer third grades than there is today as *these babies* have already been born.

High Crime Rates: Population density itself does not produce high crime rates and social upset. In Holland the density is 1,000 people per square mile. In the U.S. it is 57 people per square mile. The only areas in the U.S. that approach Holland in population density are those of our crowded cities. Yet Holland has only a fraction of the crime and social upset of our major cities.

Great Britain has 50 million people living in an area smaller than California. Why is it there are fewer *murders* on the entire British Isles annually than there are in the cities of Chicago, Cleveland or Greater Kansas City?

Obviously, population itself does not produce high crime rates and social upsets.

Two doctors from the Mayo Clinic assembled 21 scientific reports from 10 different countries. Passage of permissive abortion laws had "*no effect*" on criminal abortion rates in any of them. In two countries it actually increased with liberal law. In Sweden it has not subdued criminal abortion and in Japan where abortions are inexpensive, half are done illegally.

Will too many people increase the problem of pollution?

Certainly. However, more *affluent* people produce more pollution per person than poor people. These people because of wealth and education also produce the wealth and technology to combat pollution. Most pollution problems made their appearance or became worse following World War II. Since 1946 U.S. population has risen 42%, pollution as much as 2000%.

The American College of Obstetrics and Gynecology made an official statement in May of 1968, I quote: "It is emphasized that the inherent risk of an abortion is not fully appreciated, both by many in the profession, and certainly not by the public."

Abortion performed after the twelfth week is fraught with tremendous danger.

To name a few: Blood clot on the lung, anesthetic death, heart failure, complications of illegal abortion, suicide following legal abortions. Quite often hemorrhages which necessitate transfusion.

Blood Transfusions: For every 1,000 units (pts) of blood transfused, one pint will carry a virus that is serious enough to ultimately cause a fatal hepatitis in the person who receives it. If a woman hemorrhages she seldom needs 1 pint. She needs three or four or more pints. If we take 4 pints as the average number needed it is evident one out of every 250 transfused will die within the next several months.

From a poll of nurses published in the R.N. Magazine the following opposed unrestricted abortion.

Operating Room — 87%
Delivery Room — 85%
Intensive Care — 83%
General Duty — 82%
Pediatric — 77%
Administrative — 74%
Psychiatric — 69%
Emergency room nurses — 64%

In New York, one clinic of 5 physicians working only in mornings, at the cut-rate fee of \$140.00 (cash per abortion,) has been "doing" 20 daily. From this part of their practice each is making \$200,000.00 per year.

In a new York State Health Committee hearing in March 1971, Senator Lombardi from Syracuse said that a New York City abortion referral agency since July 1970, had already paid a \$64,000 dividend on a \$1,000 investment. I hope that could not happen here.

There is deep disagreement between members of the AMA on the question of abortion. All that has been voted on approvingly by the House of Delegates is a rather carefully worded document which in so many words, says that a doctor may do what the state law says is legal.

Another medical organization recently said:

"Be it resolved that the Assembly and House of Delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Chicago, Illinois, this 17th day of April 1971, deplores, condemns, and opposes so-called liberalization of the indications for abortion by legislative action, treaty, executive order, judicial fiat or resolutions of medical lay organizations or societies.

Legal policies usually express a concern for identifying and protecting the right of individual citizens. This decision by the Supreme Court constitutes an abandonment of this direction and removes the only legal protection the unborn child had for his very life.

The law should create the moral tone of communities it regulates, not condone the concept of free love with its tragic results for our youth and the stability of marriage and the family.

This attempt to write a neutral law regarding the unborn child, ignores man's responsibility towards life. Legal opinions do not change immoral responsibility to moral responsibility.

If economic hardships, inadequate housing, family instability, insufficient preparation of your youth for marriage and parenthood, sexual irresponsibility, birth defects and malformations cause abortion to flourish then let's face up to the problems and strive to correct them.

Birth control prevents new life from beginning. Abortion kills new life that has begun.

I will end with a quote by Albert Sweitzer.

"If a man loses reverence for *any part of life* he will lose his reverence for *all life*."

Sen. JOHNSON: At the hearing which you conducted, they testified that many people felt that it was a very private matter and that it was between the woman and her doctor.

Sen. MCLAUGHLIN: Yes, there was.

Sen. TROWBRIDGE: Mr. President, first of all I'd like to personally thank each and every one of you for putting this subject over until today. I learned of the news of my father's death and we had just that hour previously, voted to bring up the subject and I did not ask to have it put over. But Sen. Nixon

and the members of the committee were nice enough to do it anyhow, and I do appreciate it. It is quite ironic to me that this subject matter should be coming up at this time in that my father as many of you saw, in his obituary in the New York Times, was the national head of Planned Parenthood in 1939 in Boston, Mass. and if you people think you know what heat is, what having a strong constitution is, try being head of Planned Parenthood in Boston, Mass. in 1939.

I also would like to say that it was ironic as I rode down in a plane to ——— that in the Boston Globe the Harris Poll indicated that 57% of the citizens of the United States were now in favor of the Supreme Court position on abortion. And I'd like to mention to Sen. Lamontagne that while he has petitions, incidentally, Sen. Poulsen was given a petition and he said that he would give it to someone in favor of the bill and he gave it to me; and I would like to say that here are 320 people of the North Country, Sen. Lamontagne, that are in favor of HB 606. Would you care to see their petitions? But I don't think today that the problem is majority versus minority. As to whichever you might catch the tune of the state of New Hampshire as to what the majority opinion is.

My father himself who was in the business of making moral judgement you might say, made it quite clear that the whole point of Planned Parenthood was that one should not impose his or her morals or moral view on someone else. And that's the whole point of the United State Constitution; that we do not come to this fair land of ours in order to tell your neighbor what his morality should or should not be. And I made it very clear that this was, as Sen. Johnson was asking, a very private matter between the person and his conscience. And I'd like to read from the Supreme Court decision which is the crucial part of the decision.

"This right of privacy, whether it be founded in the 14th amendment's concept of personal liberty, or as the district court determined in the 9th amendment, reservation of rights to the people, is broad enough to encompass a women's decision whether or not to terminate her pregnancy. The detriment that the state would impose upon the pregnant woman by denying this choice altogether is apparent. Specific and direct harm, diagnosable, may be involved. Maternity or additional offspring may force upon the woman a distressful life and future. Psy-

chological harm may be imminent. Mental and physical health may be taxed by child care.

There is also the distress for all concerned — association with the unwanted child. And there is the problem of bringing a child into a family already unwrought psychologically and otherwise to care for it. In other cases as in this one, the additional responsibilities and the continuing stigma of unwed motherhood may be involved. All these are factors that the woman and her responsible physician may necessarily consider in consultation. My only direct contact with anything to do with abortion happened in 1958. A very good friend of mine was stationed in Europe and he married a girl from Indiana and they went to Europe in the Armed Forces and as will happen she became pregnant and she was prescribed a certain drug at that time to take care of her during her pregnancy, and this friend of mine had the information that the drug she had taken almost always caused a deformed child. There was an American couple in a foreign country, they could have gone for something like twenty dollars to Sweden and obtained a perfectly legal abortion.

However, they had been brought up in this country, had learned to live by the morals and laws of this country and that girl got on a plane and went back to Indiana, where she came from, where the state did not have a law permitting abortion, except for the protection of the life of the mother. So under the law of that state there was no legal abortion. They had enough money they could have sent her back to Sweden. But their family made the determination that they were law abiding citizens and they would not go against the law of the state, even though the doctor made it very clear that this girl would bear a highly deformed child. The child was born, it was deformed, and it died after a year and one half.

Well, I can remember the distress of my friends at that time to this day. The ultimate distress that knowing that they were bringing something into the world which was not ordained by any heaven above. And so as I look on this situation today, I don't see it as a moral issue. I look upon it as a representative of what we are. We are not judges of life and death. We have been elected representatives. That is our only role. As a representative, I represent not only the majority of my constituents but the minority of my constituents. I represent every single one

of my constituents. There is not reason for this state to prohibit abortion. That is not the role of the state. And right now we are the state and I would like to say that. And it is for the reason that I am against the motion indefinitely postpone and for HB 606.

Sen. JACOBSON: Mr. President, I rise in opposition to the pending motion. You've heard a great deal of discussion about abortion pro and con. Let me submit to you that that's not the issue. The issue is whether or not we shall conform to the rule of law as laid down by the Supreme Court. That is the only issue. And whether you are for abortion or not or against abortion, that's not the question at the moment. That battle ought to be fought with the Supreme Court. You can dissuade the Supreme Court to reverse its ruling. There's where the battle is to be fought. I am in some sense deeply concerned not only about this issue but about other issues which tend to threaten and deprecate the tripartite system, which has been the hallmark of the American form of government. And if we should stand in defiance of that system today, of the checks and balances then I think we are open to further criticism, so that I would say that the issue is whether or not we shall abide by the rule of law that has been established by the Supreme Court as of this moment.

Sen. McLaughlin brought out the Dred Scott decision, which was as he rightly pointed out a bad decision. But as you look over the history of the Supreme Court, there have been changes. There used to be a time for example that they wouldn't recognize a union in terms of collective bargaining. But to say that we will defy the will of law, it seems to me to be a very dangerous step, which we may be taking. So I urge your careful consideration, whether or not we shall conform to the rule of law that is presently established by the Supreme Court.

Sen. BRADLEY: Mr. President I rise in opposition to the pending motion, and in favor of HB 606.

What seems to me the most striking aspect of the debate over HB 606 is that there are really two different bills being debated.

There is the real 606 which is before us in black and white, a bill which is concrete and has a certain meaning and effect on our body of laws.

Then there is a phantom 606. This is a bill which seems to exist in the minds of many of the people who have written me letters, in the minds of some of the press, and in the minds of some of this Senate.

The real 606 takes note of the real world and recognizes that abortions are now legal in New Hampshire on the authority of the highest court in the land. The real 606 recognizes that abortions are now being performed in New Hampshire and that the statute on our books which in the past prohibited abortions has been repealed as surely as if this legislature had repealed it.

The real 606 would fill the vacuum created by this situation and would control and regulate abortions in a sound way.

This is the bill I am voting for.

The phantom 606 would itself be the instrument which makes abortions legal in New Hampshire.

The real 606 does not condone abortions. It is neutral on the question of whether any person should have an abortion. The real 606 simply says that abortions which the state of New Hampshire cannot prevent from taking place will take place within a certain legal framework.

This is the bill I am voting for.

The phantom 606 seems to say that abortions are wonderful things and ought to be encouraged, that anyone who votes for it is an accomplice to murder.

The real 606 has as its primary thrust the *protection* of life and health.

This is the bill that I am voting for.

The phantom bill seems to be a destroyer of life.

The real 606 shows a respect for the law of the land. It is an honest attempt to have New Hampshire conform its statutes to the law.

This is the bill I am voting for.

The phantom 606 is said to be a license for permissiveness and promiscuity.

Mr. President, the phantom 606 does not exist. I wish you

could rule it out of order so that we could all vote on the real 606.

However, the phantom 606 exists only in people's minds and it is there that the phantom must be erased.

I regret that we may not be able to pass HB 606, but my biggest regret if it fails will be that we have allowed to so distort the bill that we have failed in our duty to grapple with real issues.

Sen. SPANOS: I have relinquished the Chair in order to oppose Sen. Lamontagne's motion to "Indefinitely Postpone" House Bill 606. I do this knowing full well the consequences of my act.

I could have stayed in the Chair and not even vote on this issue, especially since I am cognizant of the fact that HB 606 is doomed. But I cannot in all good conscience pursue this course of action. I have too much respect for the Senate, the House, the people of this state and in my own convictions to play it like a "pro" and avoid exercising the duties and responsibilities of my office as a State Senator — an elected representative. As the President of the United States said last evening in his Watergate speech, this would be the cowardly way out.

I mention these facts because most of that which I had prepared to say today has been eloquently expressed by Sen. Sanborn, Sen. Jacobson and others and I find that my major contribution to the dialogue of today is to relate to you my own feelings, in the hope that others of you will understand and vote accordingly.

However, I must also for public consumption make evident my reason for the support of HB 606.

The issue before us today is not whether you are *for* or *against* abortion. The question is shall there be abortions with *no* guidelines, *no* limitations, *no* rules or regulations or shall there be abortions *with* rules and regulations. If you strip away all the verbiage, the emotions, and the philosophies, this is the issue pure and simple.

The ruling of the Supreme Court has left the state of New Hampshire without any law concerning abortions and it does not appear that there are any other legislature alternatives unless said legislation follows very closely the Supreme Court's rul-

ing which HB 606 does. I understand that very recently the Court refused to rehear a Connecticut case which involved a law similar to the so-called Rhode Island Law designed "to protect and preserve human life from the moment of conception."

In other words, we are actually in a legal situation which makes for a more wide-open abortion environment than that established by HB 606 — as without any law, there are no restrictions as to time, place or person.

I cannot understand how anyone who feels deeply about the immorality of abortion can support the perpetuation of a non-controlled, non-regulated status — which is what you will be voting for if you vote to kill HB 606.

I pray that you too understand the consequences of *your* act.

And now Mr. President, I would like to read a statement given to me by the President of the Senate who is our acting Governor today:

"The President of the Senate asked me to announce that the sudden departure of the Governor from the state, to speak at a meeting of the American Association of Retired Persons, has prevented him, under the constitution, from taking part in today's Senate session. Sen. Nixon was not advised until 10:15 this A.M. that the Governor was leaving the state at 11:30 A.M. Sen. Nixon has requested that in the future the Governor's staff give him adequate notice of departures by the Governor from the state.

In the meantime, in the belief that we are a government of laws, not men, the Supreme Court having struck down N.H.'s existing law on abortion, Sen. Nixon wishes to respectfully be placed on record as in favor of HB 606.

We have a duty as Legislators to abide by the Constitution as interpreted by the Supreme Court and a duty to enact a statute in conformity with the Supreme Court's decision, though we may disagree with it. Otherwise we abandon the people of New Hampshire to unrestricted and unresulted abortion on demand."

Thank you, Mr. President.

RECESS

OUT OF RECESS

Sen. CLAVEAU: I move the previous question.

Adopted.

Roll Call requested by Sen. Lamontagne, seconded by Sen. Poulsen.

Yeas: Sens. Lamontagne, Poulsen, Gardner, Blaisdell, McLaughlin, Claveau, Ferdinando, Provost, Brown, Bossie, Downing, Preston, Foley.

Nays: Sens. S. Smith, Bradley, Green, Jacobson, Spanos, Trowbridge, Porter, R. Smith, Sanborn, Johnson.

Result: 13 Yeas, 10 Nays.

Motion adopted.

Sen. Green having voted against the motion wished to be recorded as being against HB 606.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow at 1:00 p.m., and that we adjourn in honor of Law Day and in honor of all our Senior Citizens as this is Senior Citizens month in New Hampshire.

Sen. BRADLEY: Today is Law Day throughout the U. S.

It is a day which has been set aside as a time when we may commemorate and celebrate the fact that we live under a government of laws, not of men, and that under our system of government no man is above or beneath the law.

As Senators we daily till in the vineyard of the creation of law and the members of my profession, the bar, each day work with those laws. Yet, it seems to me that too often both senators and lawyers fail to take the time to reflect on the majesty of the seamless web which constitutes our whole body of laws and legal system. We don't as the saying goes, see the forest for the trees.

The law, in this large sense is perhaps the surest way that society has to pass on its accumulated wisdom to future generations. It is therefore fitting that on this day each year we rededi-

cate ourselves to our daily task of making good laws, of making those laws work well and of conforming our lives to the law.

The law and our system of government are experiencing crises at all levels — national, state and local. But we must not lose faith in our system.

It is essential now that we place our faith in that system — and especially in the judicial system. It is essential that we let that process go forward, respecting those safeguards that are established to protect the innocent as well as to convict the guilty. It is essential that in reacting to the excesses of others, we not fall into excesses ourselves.

Sen. LAMONTAGNE: Last evening the mayor and council passed a resolution and I'd like to have the clerk read it.

RESOLUTION

In the Year of our Lord One Thousand Nine Hundred and Seventy-three

A RESOLUTION to indicate to the Members of the State of New Hampshire, House and Senate and the Members of the General Court that the City Council of the City of Berlin, New Hampshire, favors the extension of the Spaulding Turnpike and improvements in the form of reconstruction of the New Hampshire State Route No. 16 from the City of Rochester to the City of Berlin, New Hampshire.

Resolved by the City Council of the City of Berlin as follows: That the City Council of the City of Berlin, New Hampshire, indicate to the State of New Hampshire Members of the House of Senate and the Members of the General Court that it favors without reservation the extension of the Spaulding Turnpike and the reconstruction of New Hampshire State Route No. 16 from the City of Rochester, New Hampshire, to the City of Berlin, New Hampshire, because the economy, future growth, and development of the entire North Country Area of the State of New Hampshire, is dependent upon a modern and adequate highway system.

Passed April 30, 1973.

APPROVED:

Sylvio J. Croteau
Mayor of Berlin

Attest:
Rosa Jutras
City Clerk

LATE SESSION

Third reading and final passage

HB 297, relative to the standardization of reports of state agencies and distribution of state publications.

HB 427, relative to penalties for reckless driving.

HJR 22, Joint Resolution in favor of the North Conway fire department for rescue operations.

Sen. Blaisdell moved the Senate adjourn at 3:30 p.m.

Wednesday, 2May73

The Senate met at 1:30 p.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We Thank Thee Lord, for all the good things which Thou hast given unto us.

Make us worthy of them as we in turn show our appreciation, by helping others, as we work together within the framework of righteousness and truth. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by David Hammond Bradley Jr., and Jeffrey Bradley.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 163, relative to real estate investments by cooperative banks, building and loan associations and savings and loan associations. (Poulsen of District 2 — To Banks, Insurance and Claims.)

SB 164, providing equal preference to incorporators as creditors of cooperative banks, building and loan associations and savings and loans associations as enjoyed by depositors in

such institutions, upon dissolution of such corporations. (Poulsen of Dist. 2 — To Banks, Insurance and Claims.)

SB 165, providing for per diem and expenses for State Council on Aging. (Foley of Dist. 24 — To Finance.)

SB 166, to require approval of increases in hospital rates by state rate-setting commission. (Lamontagne of Dist. 1 — To Public Health, Welfare and State Institutions.)

SB 167, providing for special motor vehicle license plates for justices. (Lamontagne of Dist. 1 — To Public Works and Transportation.)

SB 168, relative to illegal use of inspection stickers. (Lamontagne of Dist. 1 — To Public Works and Transportation.)

SB 169, relative to transfers to the New Hampshire state hospital for observation. (Lamontagne of Dist. 1 — To Public Health, Welfare and State Institutions.)

SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both the Maine and the Massachusetts boundaries with New Hampshire. (Preston of Dist. 23; Foley of Dist. 24 — To Resources and Environmental Control.)

SB 171, relative to limitations on the lending authority of savings banks. (Poulsen of Dist. 2 — To Banks, Insurance and Claims.)

SJR 15, establishing an interim committee to study RSA 79 and the performance of the yield tax. (Smith of Dist. 3; Poulsen of Dist. 2 — To Ways and Means.)

SJR 16, relative to retirement credit for Thomas A. Bolton. (Claveau of Dist. 14 — To Finance.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 713, permitting certain employees to contribute toward the purchase of group life insurance. Banks, Insurance and Claims.

HB 617, pertaining to non-resident students at the University of New Hampshire. Education.

HB 761, relative to election procedures of the Contoocook Valley school district. Executive Departments.

HB 651, to provide for termination of certain charitable trusts. Judiciary.

HB 691, providing for family planning services for all persons seeking same. Public Health and Welfare.

Introduction of George Gilman, Commissioner of the Department of Resources and Economic Development, to speak on the functions of his department.

REMARKS BY

COMMISSIONER GEORGE GILMAN

Department of Resources and Economic Development

Comm. GILMAN: Mr. President, Honorable Members of the Senate: I am honored to have this opportunity to address the Senate.

My service as a member of the Senate in the 1969-1970 session was a personal highlight of my public service career which began over 22 years ago when I joined Senator Bridges' Washington staff. Particularly, serving as Chairman of the Senate Finance Committee was the ultimate challenge.

I have great respect for those who serve as members of the New Hampshire Senate. Indeed I recognize their contribution to New Hampshire State Government and the hard work, long hours, and sacrifice involved.

I did not leave the Senate to become Commissioner of the Department of Resources and Economic Development without some regrets. In fact, I frankly had some ambitions to seek the office of Senate President. However, the chance to move to the head of a major State Department involved in areas of current public concern and of particular interest to me prompted me to accept Governor Peterson's appointment.

I have had no occasion to regret that decision. Indeed, I have joined a distinguished group of State officials who make up the executive branch of New Hampshire State Government. My job is interesting, challenging and satisfying.

At this point, let me make it clear that there is nothing on

my paycheck that says Governor Peterson or Governor Thomson. I work for the State of New Hampshire. Relations between my Department and the new administration have been harmonious and constructive. We have a job to do and respect executive leadership.

With your permission, I would like to make a few observations about our state before talking directly about my Department. These comments come from service in both the legislative and executive branches and, yes, even the judicial branch as your President knows. Mr. Nixon once appeared in my Court to offer a masterful defense for his client — who the judge subsequently found guilty.

New Hampshire is growing at a staggering rate. Our population is now at about 780,000 and it is projected toward 1.2 million in 20 years and 2.2 million in 50 years. Such growth will bring about massive and even abrupt changes in New Hampshire. In my judgement, we cannot realistically turn off this population increase so we must plan and work to be sure it is healthy, balanced, and controlled.

With this in mind, it should be obvious that our horizon is beyond 1974-1975, the next biennial budget period, but must instead be New Hampshire in 1980-1990 and even beyond. It is critical that the Legislature, which is after all the policy setting arm of State Government, recognize the facts of our State's growth and development.

In some ways, New Hampshire State Government suffers from "fiscal malnutrition" which while not fatal is somewhat debilitating. As our population grows, it does not necessarily follow that resources as compared to necessary expenditures will grow proportionately either on the state or local level. At some point and soon this must be taken into account, particularly if we are realistic and alert to the problems which doubling and even tripling our present population will bring.

The core of good public service is the public employee. In New Hampshire State Government, in many cases our employees are grossly underpaid. I would hope that somehow some way might be found to recognize their professionalism. In my own Department, we have many long-time dedicated employees who assume much responsibility and deserve much of the credit for any success we may achieve.

To bring these and the many other areas of State Government concern to public attention, I would urge the legislative branch to broaden its area of inquiry beyond that which is focused on legislative bills alone. Standing or special committees should have authority to engage in broad review of State operations and such committees should have adequate funding and permanent professional staff.

One final point. Serving as a Department head, I can see much to recommend the Parliamentary system where Ministers as Department heads are members of the legislative chamber and have the opportunity to directly defend their actions and those of their Department.

From personal experience, it is most unsatisfying to have to reply to a news account or an attack through a letter or a rebuttal in the newspaper. I would feel much more satisfied to discuss such issues in open debate as must Ministers and Department heads in the Parliamentary system.

As you might conclude, I am convinced that a strong Legislature, exercising broad and continuing powers of review and inquiry is in the best interest of good, sound and honest government. Equally, the Governor and the executive branch must have clearly established authority to focus responsibility on government operations.

It is clear to me that New Hampshire has a character and integrity that is the envy of other states. I hope I can help to maintain this enviable reputation.

Now I am delighted to speak about my Department — the Department of Resources and Economic Development. This Department is very much in the vortex of the current public question — New Hampshire's growth and development in an attractive environmental setting.

You might be interested in a few facts about the Department. It was established in 1961 through the merger of the Forestry and Recreation Commission and the Planning and Development Commission. It now comprises three major Divisions — Resources Development (Forestry), Parks, and Economic Development. The Planning Section was assigned to the Governor's Office in 1970. For better or worse, the Department has recently become something of a repository for a number of

programs not readily assigned to the Division which interface with our main area of responsibility. I am referring here to local community recreation support services, administration of State and local capital projects in Parks and Recreation which qualify for Federal Bureau of Outdoor Recreation funding, the responsibility for New Hampshire's historic preservation program, snowmobiling, liaison with the Revolutionary Bicentennial Commission, printing and graphic arts, and the Oceanographic Foundation. Bills before the Legislature would even now expand Department responsibilities in certain related areas.

All of these functions, including the Division, operate under the executive office of the Commissioner. In the Office of the Commissioner, responsibility rests for business management, warehousing, and engineering services. The Department operates this current biennium on a budget of about \$9.8 million and our request before the legislative fiscal committees was for about \$11.5 million for the next biennium or budget period.

Cash flow within the Department amounts to over \$15 million for the biennium as some \$5.5 million in revenue is generated mostly through the Parks Division in admission or service charges.

We are staffed at a permanent level with about 250 employees which builds to between 800 and 900 employees in the period from about 15 May to 15 September when our Parks Division operates at full strength.

Let me refer briefly to our operations by Divisions identification.

The Resources Development or Forestry Division is headed by Ted Natti, State Forester, a long-time career employee in the Division who is outstanding in his field. We look upon the Division of Resources Development in the broadest context of that title. Responsibility within the Division ranges from custody and management of about 120,000 acres of property under the department's jurisdiction to forest fire protection and control, forest insect and disease control, research and education, and operation of the State nursery. This Division is now moving into the area of mining and reclamation in response to growing public interest in this area of State land resource manage-

ment. The State Geologist is administratively assigned to this Division. Funds budgeted for this Division are approximately \$1.3 million for the biennium.

The record of this Division over the years has been a credit to the Director and his staff.

The Parks Division is headed by George Hamilton, an able and dedicated Division head, Mr. Hamilton has been in his post for about two years and brought to his position knowledge and experience as a former Fish and Game Conservation Officer and as a senior staff man in the Appalachian Mountain Club organization in New Hampshire. He succeeded Rusell B. Tobey to whom great credit must be given for maintaining the quality and integrity of the New Hampshire State Parks system. The Parks Division is our largest operation in terms of budgeted funds, about \$5.5 million each biennium. The Division operates almost 50 installations ranging in size from Franconia Notch State Park of several thousand acres to small roadside rest areas. They range in location from Canada to the Massachusetts line and from the top of Mount Washington to Hampton Beach.

This Division operates with an extremely limited administrative office staff consisting only of the Director, a Supervisor of Park Operations, and Assistant Supervisor of Park Operations, and an Architect-Planner. Their workload is intense and I cannot compliment them highly enough on the amount of responsibility they assume in handling in the interest of the Division the problems of Park operations on a day-to-day basis.

We have an outstanding Parks Division in New Hampshire. Their responsibility is to provide broad recreational opportunities for all segments of New Hampshire people and for our visitors. A State Park doesn't have too much appeal for those who can afford a cottage at the lake, a beach house, or a yacht. However, there is a great need for good, clean, safe recreation areas for the average New Hampshire working man, the young, and even the elderly. I think our Parks Division fills this responsibility most creditably.

As you know, the Division also operates two major ski areas — Mount Sunapee and Cannon Mountain. These are integral parts of the New Hampshire ski economy and do a great deal to attract winter visitors to New Hampshire.

Our revenue from the Parks Division is about equally divided between summer and winter operations each generating about a million and a quarter dollars over their yearly season. I am tremendously proud of our Parks Division and its accomplishments. I hope you will have a chance to visit our installations and to get to know our Parks personnel, staff and operations.

The Parks Division has probably suffered most acutely from funding shortages. It requires tremendous equipment expense as well as many thousands of dollars in temporary salaries and repair or maintenance funds to keep our parks from suffering and showing strain and deterioration from excessive use and wear.

As is apparent, the Parks Division is also one of our environmental Divisions. It seems well here to refer to what some people call the obvious conflict between environmental concerned Divisions, Forestry and Parks, and the Development Division. I must say the conflict is more apparent than real for there never have been irreconcilable differences in resolving problems between their different areas of interest.

The Division of Economic Development is now headed by Dan Hoik who has shown remarkable sensitivity and resourcefulness in dealing with the myriad of problems of this position. This Division has a biennial budget of almost 1.15 million.

The Development Division is, putting the matter very simply, responsible for the per capita income of New Hampshire residents. It promotes jobs, investments, and services in New Hampshire. Its organization is based on two Sections — the Office of Vacation Travel Promotion, and the Office of Industrial Development.

The Office of Vacation Travel is, as the name implies, the promotional arm of State Government. It seeks to attract visitors to our state as a source of jobs and revenue. To accomplish this we engage in media advertising, maintain two Vacation Travel Offices, and work cooperatively with many local and regional promotional groups. Our budget for such promotion is quite limited in this area — allowing only about \$200,000 per year for Printing, Binding, Advertising, and support of Out-of-State Offices. Our staff organization consists of about eight people with an administrative budget of roughly \$150,000.

There are some who now question the wisdom of seeking to attract visitors to New Hampshire. However, it is our position that much State and local revenue is dependent upon these visitors, that New Hampshire has always been a vacation state and will continue to seek the right type of vacation travel and to phase it into all seasons in New Hampshire.

Since we do operate on a limited budget, we have used the "multiplier" affect by working with regional and trade groups on joint advertising and promotion. We insist also that our advertising be of first quality and in keeping with New Hampshire's reputation as a clean and wholesome state. I think we have been quite successful in this area of State promotion.

The other Division Section — Industrial Development — is an integral arm of our Economic Development program responsible for interesting industry in New Hampshire. Our rationale for this is that we need constant replenishment of our industrial base since normal business attrition closes or relocates existing New Hampshire businesses.

We also need industry to provide jobs for the many young people who grow up in our state, choose not to go into the professions or service industries, and who want to live and work here. We also pay close attention to the service sector of our economy by the assignment of one professional staff man to service the commercial sector of industrial development in trying to attract shopping centers, hotels, motels, and service industries.

What we are trying to do is maintain New Hampshire's balanced economy with a stable and healthy relationship between people employed in the industrial sector and the service area of our economy. I might say that we have been amazingly successful in this, and New Hampshire enjoys tremendous popularity as a place where industries can profit and benefit by plant or shop location. As evidence of this, our unemployment rate is among the lowest in the country, and we are daily receiving inquiries from firms who would like to locate in New Hampshire.

It is obvious that there is a dichotomy to some degree between the Development Division and the two environmental divisions of Forestry and Parks. However, I am fully committed to support of our Economic Development Division.

There is a danger, in my judgment, that New Hampshire could become only a state of the rich and retired and that those who have developed income sources elsewhere come now to locate in New Hampshire and want this state preserved as their own recreational backyard.

If we were to permit this to happen, we would be taking away opportunities for blue collar or factory industrial jobs. It seems clear to me that without industrial based workers, our state would change dramatically and not for the better. I am committed to our industrial development program and ask that you recognize this need in your consideration of Department programs.

I have covered the other functions outside of Division assigned to the Department, and I would be delighted to respond to questions on these, as well as the three Divisions I have referred to.

The Office of the Commissioner budget at about 2.5 million, including interest and bonds retirement, is assigned full executive responsibility for all Department operations. The Business Management Office under Business Administrator Jim Wilkins is a key function of my office. We also have responsibility for the Warehouse operations, supplying everything from potted plants to life preservers. Our engineering office operates under Bob Sullivan, P.E., a long-time, experienced Parks and Forestry Engineer. Our Warehouse Office is under Ralph Webb, also a long-time employee of the Department.

It has been proposed that there be a Deputy Commissioner for the Department, and most days I can certainly see the need for such a position. However, I feel that I should be in direct contact with the Division Directors, and I am therefore reluctant to have another figure or staff level between my office and the operating Divisions.

My responsibility, as I see it, is in great measure one of communicating with our varied State constituency, the Legislature and other Departments. We place great stress on our availability to the public and encourage an exchange of views with the diverse groups we serve, whether they be logging or wood-using industries, patrons of State Parks; whether it be the hotel/motel association, local industrial development groups or whomever. We have an obligation to listen to their views, ac-

commodate and work with them where we can, and hopefully assume they understand and respect our responsibility as a major Department of State Government.

This is, in capsule, the New Hampshire Department of Resources and Economic Development — known as DRED. We are a line operating Department with broad responsibilities for New Hampshire environment and for its economic development. I am proud of the Department's performance.

Thank you for your attention.

Sen. PRESTON: I would like to discuss the power nuclear plant, which you know is in your domain. As you know, it was proposed that this plant be built at the Hampton Beach State Park, building at a 150 by 200. As I understand it the Attorney General said that's under your jurisdiction and I'm wondering if have arrived at a decision, or not on that matter.

Comm. GILMAN: The question arose Mr. President and Senator because the siting laws says that the siting committee upon its decision in effect preempts the jurisdictions of other agencies. The question before me was if the location of the pump house while not on the plant site, but certainly integral to it, can come within the scope of 162, which is the siting law. I was dissatisfied with the informal response to the question. I wrote to the attorney general and he replied that in his judgment the jurisdiction over special use of that property rested with the department and therefore the siting law did not in effect preempt our decision as to where the pump house should be located. There has been a reply from the Public Service Company who take issue of that decision and it may go to court for further judgment. My position at the moment is that the evidence is still coming in from the 162, so it is inappropriate to indicate a decision on any aspect of that plan, including the pumping station whereas I am a member of the site evaluation committee itself. I am very mindful of the concern expressed by yourself, but I don't think it would be a proper judgment to indicate a decision has been reached as the siting committee has not reached its decision.

Sen. TROWBRIDGE: Evidently you haven't lost any of your skill that you displayed so well in the Senate. There is no expert as to how to appeal for funds than an ex finance chairman. However, I would like to ask about something else, I'm

concerned, I hope your department is concerned about two things that are happening. One is the possibility of a gasoline shortage and its impact on the economy of New Hampshire, especially the vacation economy. Not only on the tourist trade but on our income from which the state derives funds. Do you have any information on it that would help this Senate?

Comm. GILMAN: No, I share the concern you have in regards to the energy crisis, not only in gasoline but in other areas. But in respect to the gasoline shortage which we hear so much about and which indeed has a great impact upon the state, I have been working with the Governor's office to develop figures on vacation traveling. But frankly, the matter seems to be, that it is so hard and difficult to get information. We, within the department, have taken a very strong position on combining travel and reducing gas usage. But I haven't any independent sources.

Sen. TROWBRIDGE: Is there an idea to keep like reservations at motels or something that determines that people may or may not, in advance so you get some idea as to its scope?

Comm. GILMAN: Without the research department that I think the department should have, we have only collected figures. And we do indeed have those figures in our department because our spring and summer vacation program began only within the last thirty days. They will indicate the number of responses to interest of vacation travel maps and reservations and booklets. I would say that we would have within two weeks, some bare indication of whether this fear of gas shortage will indeed leave an impact.

Sen. TROWBRIDGE: I would also like to hear your thoughts on the bicentennial as to whether that will take place?

Comm. GILMAN: We think this is a very pertinent topic and we think that it must be reviewed under the consideration. Just with loose statistics it would appear that New Hampshire will have 800,000 additional visitors in 1975 and 76 for the Bicentennial. The problems of where these people are going to go and where they are going to live and stay are very critical. We are actually concerned about the 350th Anniversary of Portsmouth and Dover where we expect many thousands of additional visitors. I'd like to point out that this is a regional matter

at this time and it will soon be statewide, and it must be focused on by all state agencies.

Sen. PORTER: We read in the newspaper about the possibility of an oil refinery coming to the state. Does your industrial development have a concern with this? Are they involved? And if so, what kind of impact do you think this will have? Would it solve our instate problem and provide us with lower costing fuel?

Comm. GILMAN: The Department of Economic Development has for the past five or eight years had inquiries from people exploring the idea of a refinery or an oil transmission or desulphurization. Our position is that we can't have the authority to say no you can't locate here but we have indeed responded to them with all possible information. On their own judgments after reviewing the situation and area and evaluating all information that we have been able to give them on the availability of lands, the possibility of deep water port facilities they have on their own judgment, chosen not to locate in the state of New Hampshire. There are and I have participated in discussions now going on, I cannot say how fruitful they will be, but in each case we have responded to the inquiries that have been put to us for this type of facility.

Sen. JACOBSON: As I understand it there is an increase in private accommodations, through home developments and at the same time there is a downward trend in public facilities. Is that factual?

Comm. GILMAN: I think broad as it is, Senator that the second homes' increase in New Hampshire is rather dramatic. I think you could find about 260,000 second home facilities in New Hampshire. A leading builder says that 95% of his new construction is in the area of second homes.

Sen. JACOBSON: In your question about those people who use the park facilities, would you also include poorly paid teachers in small private colleges?

Sen. SANBORN: Commissioner, I couldn't help but think as I sat here and listened to your history, you've come a long way baby. However, my question is in the parks' area. Is it true that the parks especially used for recreation can be used more for the financial benefit of your department and I take for in-

stance Bear Brook, where you preserve some fifty miles of trails in the winter?

Comm. GILMAN: This is a very valid point Senator, under the new House Bill 10, the department will be compensated for its participation in the snowmobiling program. The age old question has never been resolved in anybody's mind as to whether the Parks Division should be self-supporting. I don't think that it can or should be totally. We have a proposed increase in rates this year which will raise an additional 180 to 200 thousand dollars. The Parks Division is self supporting if it's relieved of the bond and interest charges which I think more properly should be a charge upon the whole state but the whole matter is a perennial one and I think that if HB 10 returns money to the department for its support in snowmobiling, it will do a lot to equalize the situation where some are getting use and not paying and others are using it and having to pay.

Sen. LAMONTAGNE: Could you tell us whether this hearing they are going to have next Monday, will have a serious effect on recreation as far as the proposal now pending?

Comm. GILMAN: I have, the government has and the department has, very serious reservation about putting this totally into a wilderness area. There's little quarrel with those who propose wilderness area from the timber lines up to a certain elevation but to deny the wood-using industry and the logging and lumber industry in this area, access to the harvesting of these forests would in my judgement be wrong. It is a truism that man's forest can provide considerably more public use than the wilderness area. So our position which is supported by, and in agreement with Governor Thomson's office is that we support the concept of public ownership, but we feel most strongly that these timber lands must be continued as harvesting areas for the wood-using industry and the labor costs in the Northeast.

Sen. LAMONTAGNE: The reason why I am asking these questions is that it seems that the public doesn't understand what this hearing is all about and what effect it is going to have. What about these people who are using the national forest, will they be able to continue to be able to use their snowmobiles in this area if it is turned to wilderness?

Comm. GILMAN: No, I would say that in the definition of the wilderness area as used by the national forest, there is in-

deed no snowmobiles. It carries all the connotations of the wilderness. The preservation philosophy.

HOUSE MESSAGES

HCR 15, relative to the Isaac Hill mansion. Referred to Rules and Resolutions.

HCR 13, memorializing the Congress of the United States not to rebuild North Vietnam. Referred to Rules and Resolutions.

HCR 17, memorializing Congress to provide for the transfer of Old Ironsides to the Portsmouth Naval Shipyard. Referred to the Special Committee on the Seacoast area consisting of Sens. Foley, Preston and Johnson.

RECESS

OUT OF RECESS

SCR 8, providing for the establishment of a joint legislative committee on improvement of law enforcement and criminal justice. Referred to Judiciary.

COMMITTEE REPORTS

HB 456

relative to definition of actuary under the New Hampshire retirement system. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President and Senators HB 456 serves as a definition of an actuary.

Adopted. Ordered to third reading

HB 569

relative to the time of delivery of the county budget statement. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 569, is to change the time of delivery of the county budget statement from Jan. 30 to Feb. 15 yearly. Representative Anderson spoke in favor. The bill merely gives the county commission an additional two weeks more to prepare the budget and there's no opposition.

Adopted. Ordered to third reading.

HB 599

amending the zoning authority of Kearsarge Lighting Precinct to include the town of Bartlett. Ought to pass. Sen. Poulson for the Committee.

Sen. POULSEN: Mr. President, this area is on the western side of Conway and the easterly side of Bartlett and it's covered by the Kearsarge District and the town of Bartlett is in the district and it wasn't in the law. This only includes that portion that's already covered.

Adopted. Ordered to third reading.

HB 635

relative to temporary loans under the municipal finance act. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President HB 635 deals with an alternate way of dealing with a bond issue after a bond issue has passed. What HB 635 allows is that a municipality may instead of sign on a twenty year bond issue proceed with one year temporary notes that it splits. The reason is that at the present time temporary notes are at a cheaper rate than long term bond issues. This bill requires in addition to the allowance, that the municipality must not only pay the interest on the temporary note for one year but it must pay one twentieth or one tenth or whatever it may be that the original contract is for. So that the whole notion is that a municipality may be able to save dollars by taking advantage of the temporary loan rate.

Adopted. Ordered to third reading.

SB 140

amending the charter of the city of Concord relative to city council vacancies and absentee voting. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: SB 140 deals only with the City of Concord. At the present time vacancies on the city council are by appointment of the city council. Apparently, in the city of Concord there has been some dismay with this appointment procedure. And therefore, this bill is introduced as enabling legislation to establish a voting procedure. I don't think I'll go through all of the details since it only relates to the City of Concord but this has been drawn up by Mr. Martin Gross. On

behalf of the city council so that it establishes a procedure for electing in time of vacancy to the city council.

Sen. SMITH: I do wish to thank Sen. Jacobson and his committee for their expeditious handling of this.

Adopted. Ordered to third reading.

HB 531

relative to election of a town board of assessors. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, HB 531, is premissive legislation enabling towns by an action of the town meeting to vote in the board of assessors of towns of any size. The law is now that only towns over 6,000 people can, and this allows any town to do this at their own will.

Sen. TROWBRIDGE: If the town does elect the board of assessors is there a statute that ties into saying what their powers are?

Sen. POULSEN: I believe so. I believe that they come under separate RSA and have their powers defined. I think it is similar to what a selectman has but the power refers to assessors.

Sen. TROWBRIDGE: Is there anything here that, that if you do elect the assessors the selectmen will lose their powers to assess?

Sen. POULSEN: I think they do, sir.

Sen. TROWBRIDGE: I see a grant of power in HB 531 to the assessors that I understand, but unless there was something else in the power of the selectmen to be assessors would remain.

Sen. POULSEN: I find it a question at the moment.

Sen. BOSSIE: If you are going to table this wouldn't it be wise to table the next item Senate Bill 91, because it deals essentially with the same material?

Sen. POULSEN: My own judgement is to do what we planned and that is to kill SB 91, because the same feature would be covered on this bill except part relations.

Sen. BOSSIE: Who sponsored SB 91?

RECESS

OUT OF RECESS

Sen. POULSEN: I move that HB 531 be laid on the table.

Sen. POULSEN: I withdraw my motion and move that HB 531 and SB 91 be laid on the table.

Adopted.

HB 179

providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and providing special provisions for registers of deeds of Coos and Carroll counties. Ought to pass. Sen. Jacobson for the Committee.

Sen. Jacobson moved that HB 179 be recommitted to committee.

Sen. JACOBSON: Something has happened recently that never happened before and that is, people do not come to the committee on the day of the hearing, or on some time prior to give information, but when it gets on the Calendar to be acted on, someone say, "oh, there's a problem with this bill because we need an amendment to the bill" and that is what has happened. Apparently, if this bill passes as is, it will actually give an intentional increase when they go on salary and therefore it needs an amendment, but I would like to encourage them to come up with their amendments before they get on this committee report.

Adopted.

SB 129

relative to the form of ballots for election of delegates to the national conventions. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, in the great tradition of Sen. Lamontagne's illustrated lectures, I'm going to give an illustrated lecture on this bill. Now this is what looks like the ballot that we had in the 1972 election. And you will remember I'm sure, and especially if you counted ballots you will never forget it that the various delegates favorable or pledged to other various candidates are scattered throughout the whole ballot listing. And they are placed in alphabetical order according to

their names. That is of prospective delegates. And then as you know, every so many thousand someone else's name goes to the top and ultimately everybody's name is at the top in a certain number of ballots. This is the present practice. What Senate Bill 129 suggests is that all of the delegates favorable or pledged be listed under the name of the given candidate so that if you are in favor of a particular Republican or Democratic candidate —

You can find all of the names that are either favorable or pledged under his block, therefore, the voter does not have to search all through the thing to find it and can find the names that he wants all congregated together in one block and that is the intention of SB 129.

Sen. TROWBRIDGE: You have the circle that they can mark that will be a straight ticket for them?

Sen. JACOBSON: No, as a matter of fact, I suggested to the sponsor that we do like we do with the electors of the president. All you have to do is mark one box and all of the prospective delegates in the number beside them would be given that vote. But the sponsor who happens to be my lawyer, Sen. Bossie, said, no, he didn't want to do that because what would in fact deny somebody the right to run as a delegate favorable. And therefore, we felt that that was a reasonable argument and didn't pursue that further.

Sen. DOWNING: Senator, the practice of alternating the candidates will continue?

Sen. JACOBSON: This practice will continue.

Sen. PRESTON: I wanted to commend Sen. Bossie and also recognize Rep. Hamel who had interest in a similar bill in the House. For the time that this will take the voters particularly in those towns with a ballot machine. I know that it was a problem in Exeter where it took up to an hour to vote and all of these names. I think this will make voting more pleasurable and expeditious.

Adopted. Ordered to third reading.

HB 163

relative to the compensation paid to members of county conventions. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President this HB 163 enables Coos County as well as Rockingham County, it increases the pay and the mileage. Each county would pay for it and most counties allow for this payment.

Adopted. Ordered to third reading.

SB 1

establishing an environmental protection department, providing for planning of the consolidation of the functions of existing agencies under it and making an appropriation therefor. Ought to pass with amendment. Sen. Porter for the Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 12-D the following new chapter:

Chapter 12-E

Department of Environmental Protection

12-E:1 Declaration of Policy.

I. The general court declares that it is the policy of the state of New Hampshire in the exercise of its powers to regulate and protect environmental uses of these resources and to provide for the general welfare, to assure that as far as possible citizens today as well as those tomorrow will have a wholesome environment in which to live and work;

(a) By establishing a department of environmental protection; and

(b) By further enhancing the effect of this department and economizing in its administration by consolidating under it various existing functions of other state government agencies; and

(c) Where possible, by participating in any joint effort in the environmental protection area with the federal government.

12-E:2 Definitions. As used in this chapter:

I. "Critical Area" is defined as one or more of the following:

(a) All submerged land situated beyond mean low tide line under the sea and extending to the outward limits of state jurisdiction; or

(b) Land at an elevation of more than twenty-five hundred feet above sea level in Coos County, more than two thousand feet above sea level in Grafton and Carroll Counties, more than seventeen hundred feet above sea level in Cheshire and Sullivan Counties, more than fifteen hundred feet above sea level in Merrimack, Hillsborough and Belknap Counties, and more than one thousand feet above sea level in Rockingham and Strafford Counties, provided that where a topographical feature extends across county boundaries, the lesser elevational criterion shall apply to the entire feature; or

(c) Land located within flood hazard areas as delineated by maps or flood profiles based upon studies of prior floods on such lands, prepared by the U. S. corps of engineers, or the U. S. geodetic survey or other competent authority having statutory jurisdiction thereof, which land may be classified as such by the adoption of such maps or profiles by the department of environmental protection, and a hearing in accordance with 12-E:2 IX; provided that this subparagraph shall not apply in towns or cities which have adopted adequate flood plain zoning provisions as determined by the department of environmental protection; or

(d) Prime agricultural lands as designated, bounded and mapped by the department of environmental protection with the advice of the department of agriculture; or

(e) Rare or valuable ecosystems or natural areas, as designated, bounded and mapped by the department of environmental protection, with the advice of the fish and game department and the division of resources and development; or

(f) Important and significant scenic or historical landmarks, as designated, bounded and mapped by the department of environmental protection; or

(g) Tracts of land, proposed or intended to be occupied for large-scale development. Such tracts are defined as any area proposed or intended for commercial or industrial development

(including residential subdivisions, planned unit projects, and condominiums) in excess of ten acres, whether or not the tracts making up the development are contiguous, or any area proposed or intended to be occupied by a commercial or industrial structure or structures having a ground area or floor space at ground level in excess of sixty thousand square feet. However, this definition shall exclude any such tract where located wholly within one or more towns or cities each of which has (i) duly adopted a zoning ordinance pursuant to RSA 31, and (ii) duly created and appointed a planning board pursuant to RSA 36, and (iii) duly delegated to the planning board the authority to adopt subdivision regulations and such board has duly adopted the same, and (iv) delegated to the planning board the authority to review site plans pursuant to RSA 36:19-a. The department of environmental protection shall publish, from time to time, a list of the towns and cities which have met the requirements of (i) through (iv) inclusive. Any such town or city by its planning board may request and receive advice and assistance from the department in the consideration and action upon such large-scale developments at municipal level.

II. "Department" means the environmental protection department, hereunder established.

III. "Development" means:

(a) The construction, erection, emplacement, or reconstruction, excluding repairs, of any permanent structure, excepting fences and structures used in farming and forestry; or

(b) The drilling for (other than for water supplies or test borings), mining or excavating natural resources. This definition shall not apply to the production or harvesting of renewable crops such as timber or farm products.

IV. "Development which may substantially affect environment" means development in a critical area.

V. "Extension of pre-existing development": An extension of any pre-existing development shall be deemed a development which may substantially affect environment, when the extension itself otherwise falls within the meaning of that phrase. A development hereafter constructed or established, which initially is of lesser size or magnitude than a development which may substantially affect environment, if subsequently extended or

enlarged so that the aggregate of the initial development and the enlargement or extension falls within the definition only as to such enlargement or extension, and, also as to the balance of the initial development except for those cases in which such initial development was constructed in a municipality which had a zoning ordinance and subdivision regulations in effect at the time of such initial construction and such construction complied therewith to the extent applicable. Provided that nothing contained in this chapter shall be construed to include within its definition any land area, equipment or facilities used for the generation, transmission or distribution of electricity or communications which is subject to the provisions of RSA 162-F.

VI. "Environment" means the aggregate of all external conditions and influences affecting property contiguous to a given site, including the character, quality and uses of land, air, water and man-made alterations to these resources.

VII. "Persons" means any individual, firm, partnership, corporation, trust, municipality or other legal entity.

VIII. "Subdivision" means the division of a tract or parcel of land into two or more lots, tracts or parcels for the purpose, whether immediate or future, of sale, rent, lease, building development, or any other reason; provided, however, that a sale or other conveyance which involves merely an exchange among two or more owners and which does not increase the number of owners, shall not be deemed a subdivision for the purpose of this chapter.

IX. "Classified" or "bounded, and mapped": Where these words are used in paragraph I, subparagraphs (c), (d), (e), and (f) of this section, they shall mean department procedure as follows: The land area proposed to be classified or bounded and mapped shall be the subject of at least two public hearings conducted by the hearing commission in the region where such land is located, at which interested landowners and members of the public may be heard. Such public hearings shall be held at least ten days apart. Notice of such hearings including a detailed description of the areas proposed to be classified or bounded and mapped and the classification proposed shall be given by publication at least two times in a newspaper of general circulation in the region and by posting in at least two public places

in each town where located, such posting and the last publication to be at least fourteen days prior to the first such hearing. A transcript shall be kept of the evidence presented at such hearings. The decision of the hearing commission, as approved by the executive director, upon each proposed classification or mapping of land areas shall be in writing, and a true copy of such decision shall be published once in a newspaper of general circulation in the region and a like copy filed with the town clerk of each town or towns in which the classified or mapped land is located, within thirty days after such decision is rendered. The boundaries of the areas classified or mapped shall be fixed with reasonable precision by such decision. Any decision made under this paragraph may be subjected to rehearing and judicial review as provided in RSA 541 by any landowner whose land is so classified, bounded and mapped. Decisions not subjected to judicial review hereunder shall not thereafter be subject to collateral attack.

12-E:3 Department Established; Authority Granted.

I. There is hereby established an environmental protection department, under the direction of the executive director as set forth in RSA 12-E:4. The department shall be responsible for regulation of development which may substantially affect environment within the state, according to guidelines and definitions established by this chapter, and the rules, orders, regulations and procedures necessary and appropriate to carry out the purposes of this chapter.

II. The department shall adopt and publish rules, regulations and procedures necessary to carry out the intent of this chapter. Such rules, regulations and procedures shall specify, among other matters, when and where permit applications are to be submitted, the details, data and information to be contained in permit applications, the procedures for obtaining both preliminary and final approval under this chapter, and the terms and conditions under which approval of developments under this chapter may be delegated in whole or in part to appropriate municipal regulatory agencies. Such rule-making shall be done in the manner prescribed in RSA 149-E:5, III.

III. The department shall be responsible for reviewing, revising and publishing its procedures, rules and regulations.

IV. The department shall adopt, following consultation

with other state agencies with jurisdiction in the premises, a standard permit application for all such agencies and a standard procedure for filing and referring such applications to such agencies, the purpose of such single application and standard procedure being to insure the orderly consideration of applications and the convenience of all interested parties. As of the effective date of RSA 12-E:13, the use of said standard application and standard procedure is mandatory for all other said state agencies.

V. The referral procedure shall include notification of appropriate state agencies and departments, of all permit applications filed and action taken on such applications. Such state agencies and departments may, and at the request of the department shall, provide technical services and recommendations for action to the department.

VI. Following prior consultation with the applicant the department may retain such consultant or consultants as are necessary to make a decision on a proposed development. Fifty percent of the costs of such consultants may be assessed upon the developer as determined by the department.

12-E:4 Executive Director.

I. The executive director shall be appointed by the governor with the advice and consent of the council, who shall fix his salary. The executive director shall be an administrator with previous executive experience. Such director shall serve for a term of four years and until his successor is appointed and duly qualified. Any vacancy shall be filled for the unexpired term by governor and council.

II. The executive director shall be the chief executive officer of the department and shall have the power to organize, establish and operate the department and employ necessary personnel including a geologist, for the purposes thereof, including, with the approval of governor and council, the employment of consultants and the power to make contracts with qualified persons to carry out specific projects relative to the operation of the department. All state employees engaged by the executive director, shall be subject to the personnel laws of the state providing, however, that as to the compensation for any position or positions which, in the opinion of the executive director, require specialized knowledge and training

and for which the executive director finds qualified persons cannot be employed at the classified salary range, the provisions of RSA 99:1 shall not apply, and the salary range for such position or positions shall be established by the executive director with the approval of the governor and council.

12-E:5 Environmental Protection Commission.

I. Hearings held pursuant to RSA 12-E:2 IX and RSA 12-E:7 and 11 shall be conducted by a hearing commission consisting of five persons, appointed by the governor with the advice and consent of the council. Three of the members shall represent the general public, one of whom shall be the chairperson, one shall have experience in banking or home building or land development interests in the state, one shall have experience in agricultural, forestry interests, or the conservation or environmental protection interests of the state. Such persons shall not be salaried state officers or employees. Commission members shall serve for a term of five years; provided, that initial appointments shall be for a term of one year, two years, three years, four years and five years. Such members shall serve until a successor is appointed and qualified. Any vacancy shall be filled for the unexpired term by governor and council. Hearings may be conducted by not less than three members of the commission, but all commissioners shall review transcripts, evidence, recommendations of the department and the council of resources and development and otherwise participate fully in the preparation of proposed findings and decisions in each case. Such proposals shall be recommended by majority vote of the hearing commission.

II. No commissioner shall participate in the hearing of any question which the commission is to decide in a judicial capacity, who would be disqualified from any cause, except exemption from service and knowledge of the facts involved gained in the performance of his official duties, to act as a juror upon the trial of the same matter in an action of law. If at any time a commissioner shall be disqualified, the governor with the consent of the council, shall appoint a special commissioner to act in his place during the period of such disqualification only.

III. The members of the commission shall receive thirty-five dollars per day for their services and shall receive necessary traveling expenses for attending any hearings or meetings of the

commission or for any other travel in connection with the official business of the commission.

12-E:6 Construction Requirements Notification Required.

I. Any person intending to construct or operate a development which may substantially affect environment shall, in writing, before commencing construction or operation, notify the department of his intent and of the nature and location of such development, on a permit application prescribed by the department. The department, within fifteen days (Saturdays, Sundays and holidays excluded) of receipt of such notification, duly completed, shall grant either preliminary or final approval of the proposed development, with or without conditions, as may be reasonable and appropriate, or schedule a hearing thereon in the manner hereinafter provided. Decisions of the department approving developments without a hearing, including a brief description of each such development, shall be published once in a newspaper of general circulation in the area of the development and filed with the town clerk of the town where the development is located, within seven days after the making of such decision.

12-E:7 Hearings; Orders; Construction Suspended.

I. If the department determines to hold a hearing on a notification submitted to it pursuant to RSA 12-E:6, or is required to hold a hearing pursuant to RSA 12-E:11, it shall commence such hearing within thirty calendar days of such determination, and shall cause notice of the date, time and place and subject matter thereof to be given to the person intending the development and notice thereof published in some newspaper of general circulation in the proposed locality of the development; the date of the first publication to be at least ten, and the last publication to be at least three calendar days before the date of the hearing. Such further notice by mail to municipal, regional or state agencies and other interested persons or organizations may be given as the department may find to be conducive to a full hearing.

II. If a hearing is held pursuant to this section or RSA 12-E:11, and the person intending the development is subject to the jurisdiction of other agencies of the state which may conduct hearings and issue or deny permits, approvals, or licenses for the proposed development, the department shall, where the

person intending the development so requests in his permit application, in order to expedite consideration of the proposed development and promote the convenience of the interested agencies and the person intending the development, require joint hearings with such other agencies as have jurisdiction in the premises. The department shall be responsible for the conduct of such joint hearings, subject to the right of other agencies to require such further evidence and conduct such further examination as is necessary to the proper discharge of their responsibilities. Following such joint hearings, all interested agencies shall issue appropriate decisions or orders within the time limits prescribed in this chapter for the department, any other time limits prescribed in other provisions of the revised statutes to the contrary notwithstanding.

III. At such hearing, including any recessed sessions thereof, the department shall solicit and receive testimony to determine whether such development will in fact substantially affect the environment. No hearing may be recessed beyond a date later than thirty calendar days following the last day upon which the hearing might originally have been scheduled, except with the written consent of the person intending the development. At hearings held under this section, the burden shall be upon the person proposing the development to present evidence to the department that each of the relevant criteria for approval listed herein will be provided for.

IV. The department shall adopt, and may amend and repeal rules for the conduct of hearings held under this section. A complete verbatim transcript or recording shall be made of all hearings held pursuant to this section, unless the applicant waives such requirement with the approval of the department.

V. Within thirty calendar days after the department finally adjourns any hearing held under this section, it shall make findings of fact and disapprove or grant either preliminary (if requested in the permit application) or final approval to the person proposing such development to construct or operate the same as proposed, such preliminary or final approval to be upon such terms and conditions the department determines is required to protect and preserve the environment. The findings and disapproval or approval shall be made in writing and issued by the executive director on the basis of the findings and decision prepared by the hearing commission. A decision deny-

ing an application for permit shall contain a statement of the reasons for such denial. If the person intending development submits only a section of a proposed development for approval, the department shall disapprove or grant approval only with respect to the section submitted, provided that such disapproval or approval shall take into account the conceptual scope of the entire proposed development. Approval of a development hereunder shall become void if construction or operation thereunder shall not be commenced within one year after such approval becomes final, provided that such time limit may be extended by the department to two years for good cause shown, or until termination of any appeal permitted under this chapter. The running of said period shall be tolled during the pendency of any court proceedings other than the appeal permitted under this chapter.

VI. Any person who has filed a permit application with the department, pursuant to RSA 12-E:6, shall defer or suspend construction or operation with respect to such development until the department has issued final approval of such application.

VII. The department shall approve a development proposal, with or without a hearing, whenever it finds that, such conditions if any as it may lawfully impose, as related to the environment will be adequately protected and that:

(a) The person intending the development has the financial capacity and technical ability to meet applicable air and water pollution control standards, and has or has made adequate provisions for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient and healthful water supplies; and,

(b) The proposed development has adequate internal provision for loading, parking and movement of all types of traffic resulting from or connected with the development; and,

(c) The proposed development has made adequate provision for fitting itself, without material adverse consequences, into the existing environment, and will not have a substantially injurious effect on existing uses (whether private or public) or previously classified, bounded and mapped; prime agriculture lands, flood hazard areas, historic sites, scenic landmarks, and rare or valuable ecosystems or natural areas; and,

(d) The proposed development will be built on soil types which are suitable to the nature of the undertaking, and its operation will not cause unreasonable soil erosion or material adverse effect on the water tables of the neighborhood.

VIII. No person whose development has received preliminary approval with conditions from the department shall construct or operate the development or any part thereof until the department has ascertained that the conditions imposed by it upon the development have been complied with or performance thereof assured. Upon ascertaining that the conditions have been complied with or performance assured, the department shall issue to the developer final approval. Violation of any such conditions, which are continuing in nature, shall be unlawful and the department may order resumption of compliance therewith upon evidence of such violation.

IX. No final approval shall be granted until all necessary permits or approvals have been obtained from other state departments and agencies and municipal authorities with jurisdiction over the premises.

X. The department may require that the person intending the development provide reasonable security to assure that the development is constructed or operated in accordance with the authority given, with or without conditions. Such security shall not be unduly burdensome, but may only be in such forms and amounts as to assure that the terms and conditions of the approval given are complied with.

12-E:8 Posting of Approval. Every person whose development has received final department approval shall post in a conspicuous place on the premises or immediately adjacent thereto a true copy of the final approval before proceeding with the work of constructing or operating such development, and shall maintain such posted document in place for at least six months thereafter.

12-E:9 Failure to Notify Department; Hearing; Orders.

I. If any person has commenced construction or operation of any development which may substantially affect environment without having first notified the department pursuant to RSA 12-E:6, the department may schedule and conduct a public hearing in the manner provided by RSA 12-E:7, with respect to such development.

II. The department may issue an order requiring any such person to cease further construction or operation pending such hearing and order.

III. The department may issue an order denying such person permission to continue such construction or operation, and may further order such person to restore, to the department's reasonable satisfaction, the area affected by such construction or operation to its condition prior to such construction or operation, or as near thereto as may reasonably be possible, as determined by the department.

12-E:10 Enforcement. All orders issued by the department under this chapter shall be enforced by the attorney general. If compliance with any order of the department is not had within the time period therein specified, the department shall immediately notify the attorney general of this fact. Within thirty days thereafter, the attorney general shall bring an appropriate civil action designed to secure compliance with such order. The superior court shall have jurisdiction in equity to make such mandatory orders, decrees and injunctions as justice may require to enforce this chapter and all lawful orders of the department hereunder.

12-E:11 Right to a Hearing and Judicial Review.

I. Any person intending a development which may substantially affect environment, which development the department has disapproved or approved with conditions pursuant to RSA 12-E:6, may in writing, but within thirty days after notice of such approval, or disapproval request a hearing by the department. Any person directly affected by any such development may request a hearing by the department in writing, within thirty days after any order is issued without hearing. Upon receipt of such requests, the department shall schedule a hearing in accordance with the provisions of RSA 12-E:7.

II. Any person intending a development which has been approved subject to conditions, or disapproved following a hearing, may request reconsideration by the department upon submitting a written request therefor within thirty days of such approval or disapproval, which request shall state the basis for reconsideration with particularity. The decision to grant or deny reconsideration will be rendered within ten days at the request for same.

III. Any person intending a development with respect to which the department has issued an approval with conditions or disapproval and following final action by the department on the request for reconsideration, may, if aggrieved thereby, appeal therefrom to the supreme court in accordance with the procedure for motions for rehearing and appeal prescribed in RSA 541. Any person directly affected by the order of the department, except another state agency or department, may also appeal from orders made under RSA 12-E:7 to the supreme court in accordance with provisions of RSA 541.

IV. A person "directly affected" is a municipal or state agency or department with jurisdiction in the premises or a person having a legal or beneficial interest in property which is subject to significant changes in its environment caused or likely to be caused by the proposed development.

12-E:12 Local Jurisdiction. Nothing contained in this chapter shall be construed to exempt any development from compliance with the requirements of valid municipal ordinances and regulations; provided that, in case of conflict, the requirements of this chapter shall be the minimum requirements. If it appears that the convenience of all interested persons will be served by consideration of a development prior to obtaining all municipal permits and approvals, or if final approval of the proposed development by municipal authorities is contingent upon approval by the department or other state agencies with jurisdiction in the premises, the department may institute such consideration simultaneously with consideration by municipalities.

12-E:13 Penalties. Notwithstanding the provisions of RSA title LXII, any person who shall wilfully violate any provision of this chapter, or who shall fail, neglect or refuse to obey any order, rule or regulation of the department lawfully issued, shall be punished by a fine of not more than one thousand dollars for each day of such violation, failure, neglect or refusal; provided that the fines provided for in this section shall not be imposed unless the department has notified such person in writing of such failure, neglect or refusal, and the person has continued to fail, neglect or refuse compliance. The wilful making of a false statement of a material nature in the permit application required by RSA 12-E:6 shall, upon conviction, subject the responsible person to a like fine for each such violation.

12-E:14 Public Works.

I. Before authorizing the acquisition of land for the construction of public works by any state agency, whenever it appears that the proposed project is of such character that it would constitute a development which may substantially affect the environment if it were developed under private auspices, the governor and council, or the applicable state agency, if it has final authority for the matter, shall require the opinion and recommendations of the department as to whether the proposed project will conform to the policy of this chapter, whether unconditionally or subject to conditions to be recommended by the department. The department shall return its reply expeditiously and may conduct a public hearing thereon. The governor and council or applicable state agency shall give due consideration to the opinion of the department in determining whether the public convenience and necessity require such acquisition of land in the location proposed and to the advisability of adopting any conditions recommended by the department.

II. Whenever the commissioner of public works and highways hereafter proposes the construction of a new state highway or the relocation of an existing state highway, he shall obtain the written opinion of the department regarding the proposed location of the same, prior to the holding of any departmental hearing otherwise required, and shall give due consideration to the opinion of the department before making his final proposal to the governor and council. He shall annex to his petition or proposal to the governor and council for the opinion of the department thereon.

III. The location of all publicly-owned sewage treatment plants, hereafter constructed, shall be subject to the approval of the department; provided that this paragraph shall not apply to those plants whose location has received preliminary or final approval of the water supply and pollution control commission prior to the effective date of the provisions of RSA 12-E:6.

12-E:15 Land Use Capability. The department shall collaborate with the office of comprehensive planning in the preparation of a state land use and capability plan and share with said office available data, knowledge, and experience from municipal and regional planning agencies and other resource agencies, to identify land use capabilities and conflicts, and

evaluate conflicting land use alternatives in environmental and economic terms, according to adopted environmental policy.

12-E:16 Information and Education. The department may establish an office of information and education for the purpose of disseminating information to the public and to educational institutions concerning environmental facts and policies relating to the state.

12-E:17 Consulting Service. The department shall provide guidance to persons intending development which may substantially affect environment and furnish information to them regarding the manner of preparation of permit applications and other documents required under this chapter and the recommended steps to be taken in the preparation of proposals for department approval.

12-E:18 Planning for Consolidating Functions of Existing Agencies. The director of environmental protection in addition to the duties prescribed under RSA 12-E:4, shall prepare a plan for an orderly transfer of existing state agencies to the department of environmental protection. Such existing agencies may include the air pollution control bureau and solid waste section both of the division of public health of the department of health and welfare; the water supply and pollution control commission; the water resources board of the department of resources and economic development; and any such other existing agencies with regulatory powers over the environment as may be effectively operated and properly placed as a part of the environmental protection department (excluding the pesticides control division of the department of agriculture).

2 Developments Prior to Effective Date of This Act. Any development which may substantially affect environment for which, prior to the effective date of RSA 12-E:6, any permit, approval or license was required to be obtained pursuant to the provisions of municipal zoning ordinances or subdivision regulations, or of provisions of any statutes governing the water supply and pollution control commission, or any of them, shall not be subject to this chapter if:

I. Each permit, approval or license required by said laws, ordinances or regulations, or any written preliminary or final approval by the water supply and pollution control commission, shall have been obtained with respect to the development before the effective date of RSA 12-E: 13; or

II. Each such permit, approval or license shall be obtained after the effective date of RSA 12-E:6, and, prior to the effective date of said section application for each such permit, approval or license has been made; provided that in the case of paragraph I above, the said development shall be exempt from this chapter only to the extent that on the effective date of RSA 12-E:6, the said development is described in the application and submission to the agencies with authority to issue such permits and such description is not substantially varied prior to the time such permit, approval or license is issued. No exclusion from the provisions of this chapter shall be granted unless the person intending to construct or operate such a development, within thirty days after the effective date of RSA 12-E:6, or thirty days after the date when all such permits, approvals or licenses shall have been issued, whichever is later, but before it begins such development, shall notify the department of its intent to claim said exclusion for the development on such form and accompanied by such documents as the department shall prescribe. The exemptions provided for in this paragraph shall lapse unless construction or operation of the development begins within one year from the date when all such permits, approvals or licenses were issued. The department, in its discretion and subject to such rules as it may prescribe, shall have the power to extend the time for filing for developments as to which exclusion is claimed or accept late filings with respect thereto.

3 Compensation of Director and Deputy Director. Amend RSA 94:1 (supp), as amended, by inserting in proper alphabetical order the following lines:

Director, department of environmental protection	20,000	25,400
Deputy director, department of environmental protection	16,006	17,784

4 Appropriation: The sum of one hundred eight-one thousand, one hundred sixty dollars is hereby appropriated for the fiscal year ending June 30, 1974 and a like sum for fiscal year ending June 30, 1975, to be expended for the purposes of this act as follows:

Salary of Director	21,000
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Other personnel services:	
Permanent	91,100
Consultants	20,000
Per diem remuneration of commission	2,500
Current Expenses:	19,100
Printing	5,000
Travel:	
In-state	6,600
Out-of-state	
Equipment	14,860
	<hr/>
	181,160

The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Additional Assistant Attorney General. Amend RSA 7:16 (supp), as amended, by striking out in line two the word "Fourteen" and inserting in place thereof the following (Fifteen) so that said section as amended shall read as follows:

7:16 Assistant Attorneys-General. The attorney-general, subject to the approval of the governor and council, may appoint fifteen assistant attorneys-general, each of whom shall hold office for a term of five years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney-general may be removed only as provided by RSA 4:1.

6 Appropriation for Assistant Attorney General. The sum of fifteen thousand nine hundred eighty seven dollars is hereby appropriated for the fiscal year ending June 30, 1974; and a like sum is appropriated for the fiscal year ending June 30, 1975, to be expended by the attorney general for the purposes of section 7 of this act. The governor is authorized to draw his warrant for the sums appropriated out of any money in the treasury not otherwise appropriated.

7 Legal Assistance. The environmental protection department shall be entitled to the full-time services of an assistant attorney general from the environmental protection division of the office of the attorney general.

8 Transfer of Special Board. The special board created by 1969, 387:6 as amended by 1971, 329:1-2, or any state agency

successor thereto, shall be transferred to the environmental protection department for budgetary and administrative purposes effective July 1, 1974.

9 Federal Aid. The environmental protection department is authorized to apply for and utilize any federal aid available for projects and programs within the department's jurisdiction, subject to any provisions of general law applicable to the acceptance and expenditure of federal aid by state departments or agencies.

10 Effective Date.

I. Sections 1, 2, 3, 4, 5, 15, 16, 17, and 18 of RSA 12-E, as inserted by section 1 of this act, shall take effect July 1, 1973.

II. Sections 6, 7, 8, 9, 10, 11, 12, 13, and 14 of RSA 12-E, as inserted by section 1 of this act, shall take effect when the department has adopted the rules and regulations provided for in RSA 12-E:3, II, following notice and public hearing. An order promulgated by the governor declaring that the department has adopted the prescribed rules and regulations shall be conclusive evidence of the said date.

III. Sections 2, 3, 4, 5, 6, 7, and 9 of this act shall take effect July 1, 1973.

IV. Section 8 of this act shall take effect July 1, 1974.

Sen. PORTER: I am pleased to report on Senate Bill 1 with amendment. This bill is reported out of Committee with unanimous endorsement — though not all of us are 100% satisfied that it is a perfect bill.

First — this bill establishes a department of Environmental Protection; it provides for the general health, safety and welfare of New Hampshire citizens. The department will have jurisdiction over development within *critical areas* in New Hampshire. The department will approve a development when it finds that:

1. The developer has the financial capacity and technical ability to meet applicable air and water standards;

2. The developer has made adequate provision for solid waste disposal, control of offensive odors and the securing and maintenance of healthful water supplies;

3. The developer has made adequate traffic handling provisions;
4. The development will be built on proper soil types;
5. The development will fit into the existing environment without material adverse consequences;
6. Will not have injurious effect on existing uses.

The jurisdiction is limited to land defined in the bill as "Critical Areas." These include:

- submerged lands
- higher elevations
- lands within flood hazard areas; prime agricultural lands; rare or valuable ecosystems or natural areas; scenic or historical landmarks
- tracts of lands greater than 10 acres for commercial, residential or industrial developments; structures over 60,000 square feet ground area; but *only* in towns or cities which do not have a zoning ordinance, subdivision regulations, and a planning board with site plan review authority

The department will adopt and publish necessary rules and regulations and procedures. Further, a standard — single permit system will be adopted for filing, ensuring orderly consideration of applications and convenience for *all* interested parties.

Legal assistance has been provided by assignment of a full-time Assistant Attorney General. The budget reflects this addition.

To provide future economy and make wiser use of existing state departments, the director is to prepare a plan, *for legislative consideration*, to consolidate applicable departments. I must state that the Council of Resources and Development is opposed to this aspect.

Finally, Senate Bill 1 is the product of serious efforts on the part of developers, environmentalists and legislative committee members. This fine bill will not hinder good development in New Hampshire — but will inject *some orderliness into*, and the *intelligent consideration of*, development proposals.

I wish to quote Senate President Nixon's appraisal of the bill, offered in the public hearing last month where more than 300 persons attended, about 40 spoke in favor, and 1 opposed; Sen. Nixon put it well:

"... while the bill offers no environmental panacea, it certainly presents no Pandora's Box. It is clean, orderly and straight-forward in its approach. The inevitable conflict between the expediency of the present and the idealism of the future, always present in environmental legislation, has been balanced quite evenly in this bill.

Without equivocation, I commend the measure and its underlying philosophy to your favorable consideration. We can no longer, if we ever could, afford the tragedy of *talking* ecology, while *doing* garbage."

Thank you for your attention. I urge your support in the interests of the general health, safety, and welfare of the citizens of New Hampshire.

Sen. TROWBRIDGE: I want to get one thing clear in my mind; two things clear. If a critical area as defined in the bill such as high elevation for example, which comes under the definition of a critical area, per se, and it comes within a town that has zoning, the new department still has to approve that any development in the critical area say about 1800 feet, regardless of whether the town has planning or zoning. Is that correct?

Sen. PORTER: That is correct.

Sen. TROWBRIDGE: It is only when it doesn't or is only a tract of 10 acres or more and nothing else makes it critical?

Sen. PORTER: That's right.

Sen. TROWBRIDGE: If the procedure with the commission granting permits, it is my understanding that the developer has the burden of proof during the entire administrative process for providing that he meets the applicable standards. Is that true?

Sen. PORTER: That is true, Senator. The total burden is on the developer.

Sen. SANBORN: On page two of your bill you say that there are areas more than 1000 feet above sea level in Rock-

ingham and Strafford counties. This may be a little bit humorous, but I just wondering at what point of land in those two counties are there areas above 1000 feet?

Sen. PORTER: Well, Sen. Sanborn, I'll do the best I can. As you recall the Environmental Council some three years ago did a lot of the research and background and work and indicated the various areas' elevation. I have dug back and found the maps and the elevation. And according to my information, in Deerfield and Epsom there are three mountains 1000 ft. above sea level.

Sen. SANBORN: I'm a little bit vague as to what the flood areas are outside of say the Merrimack Valley and the Connecticut Valley area.

Sen. PORTER: Senator, there are about two hundred and fifty five square miles of flood hazard area in New Hampshire. Representing about 2 and one half percent of the state. And certain portions of the area have been delineated and designated as such. The definition for a flood area stems from the fact that an exploitation of flood plain area creates undue problems for most persons in the vicinities.

Sen. JOHNSON: On page one, how is that applied to the inland salt waters?

Sen. PORTER: It seems to me that that in itself is self-explanatory.

Sen. JOHNSON: Did I hear you say that communities which have planning boards and a planning director would not come underneath this?

Sen. PRESTON: No sir, not just exactly. Towns and cities which do not have a zoning ordinance, subdivisions regulations, planning board with site plan review authorities, the towns and cities which do not have all of those will come in under the auspices of the program.

Sen. JACOBSON: On page 7, section 6. Does that imply that that would be the applicant's approval?

Sen. PORTER: Originally, our consulting fees will be based on talking with the developers and seeing what they feel is reasonable, I don't expect this will be abused.

Sen. JOHNSON: Actually, my question was not of 50%, it requires not consultation, but approval.

Sen. PORTER: I do not feel that it would require his approval.

Sen. PRESTON: Sen. Johnson mentioned that towns with proper zoning would not come under this agency but now anything applicable to wetlands is under a state agency. Would that still be a matter of concern to you in those towns for example by the seacoast with zoning? Wouldn't those wetlands still prove applicable under this agency?

Sen. PORTER: Wetlands, specifically, were not named in SB 1, Wetlands that have been defined in previous studies by the inland coast in inland studies.

Sen. PRESTON: One particular town comes to mind that does not have zoning which there are a lot of wetlands so defined. Would it be that without zoning it would apply to your agency or would they go directly to Water Pollution?

Sen. PORTER: In this case they would come under our auspices.

Sen. PRESTON: Would they still be responsible for making application to the other existing agencies?

Sen. PORTER: The other existing agencies will cooperate and join in with the Environmental Protection Agency.

Sen. PROVOST: Let's say a developer comes in from out of state and he goes into a town where there's no planning and no zoning. Who would notify the developers?

Sen. PORTER: If a developer came in, brand X came in to develop in the town of Deerfield without site plan review, for example, and he bought 6,000 acres there, hopefully they would be aware and would have contacted the industrial development section, DRED, and found that such an overall department exists. We will have to disseminate that this department exists and make sure the developers coming in know full well they have to be confirmed.

Sen. BROWN: Mr. President, Members of the Senate, I worked very closely with Sen. Porter on this bill, and recently when it came out there were quite a few discrepancies and

amendments had to be made to straighten it out and to please all segments of the population. But because of the tremendous growth that we are experiencing, and as Comm. Gilman so stated in his speech today, there has got to be some source of control within this area. As I said before I urge the adoption of SB 1.

Sen. JACOBSON: Mr. President, I simply want to say that I support the amendment, the bill and I send my congratulation to the chairman of the Committee, Sen. Porter and his co-workers for making a large effort to bring about an agreed bill that will have the prospect of passing and will be a large step in the direction of conserving and preserving our state environment.

Sen. BRADLEY: Mr. President, I simply want to very briefly, go on record as being in favor of this, and I agree with Sen. Jacobson.

Sen. SPANOS: I am in favor of SB 1.

Sen. BLAISDELL: I rise in support of SB 1 and commend Sen. Porter and his committee for the fine work.

Amendment unanimously adopted. Ordered to Finance.

Sen. Spanos wishes to be recorded as being in favor of SB 1.

Sen. Jacobson moved that HB 531 and SB 91 be removed from the table.

Adopted.

HB 531

relative to election of a town board of assessors. Ought to pass. Sen. Jacobson for the Committee.

Sen. TROWBRIDGE: I'd just like to say that I was concerned that the debate might be in your town when our board came in and said let's set up a board of assessors that the selectmen of your town might be able to say that would mean giving up my responsibility for assessing, and that it would be an either or situation. The record here should show that clearly our intent that it is not an either or situation.

Adopted. Ordered to third reading.

SB 91

relative to towns having the power to elect a board of assessors. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President this bill is sponsored by Senate and I think that a similar bill is in the House except somewhere in the bill it states that it only refers to towns of over 3,000 and we recommend that it should be inexpedient to legislate.

Adopted.

Sen. JACOBSON: I move that HB 434 be recalled from the Governor's office.

Adopted.

Sen. JACOBSON: I move that HB 434 be recommitted to the committee on Executive Departments Municipal and County Governments.

Adopted.

Sen. BLAISDELL: I move that HB 292 be recalled from the Governor's Office.

Adopted.

Sen. BLAISDELL: I move that HB 292 be recommitted to the committee on Recreation and Development.

Adopted.

ENROLLED BILLS AMENDMENTS

HB 444, legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford school district.

AMENDMENT

Amend section 3 of said bill by striking out in line eight the words "municipal finance act pursuant to RSA 33 and 1973," and inserting in place thereof the following:

pursuant to RSA 33 and 1973:1.

Sen. R. SMITH: Section 2 of the bill had the phrase "municipal finance act pursuant to RSA 33" and said words "mu-

nicipal finance act" were unnecessary in the sentence and therefore omitted.

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.

AMENDMENT

Amend section 1 of said bill by striking out the second and third lines and inserting in place thereof the following:

inserting after section 28 the following new section:

457:28-a List of Family Planning Services. The town clerk shall dis-

Sen. R. EMITH: The amendment proposed changes the new section number from RSA 457:26-a to RSA 457:28-a in order to fit into the chapter correctly.

ENROLLED BILLS REPORT

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

Sen. Provost
For The Committee.

UNDER RULE 45

Sen. GREEN: I feel that it is important to say a few words in explanation of my vote on the motion to postpone indefinitely HB 606. I voted against that motion because it in effect closed the door for the introduction of a less liberal new bill for the regulation of abortion. Thus I wanted to support the majority committee report of inexpedient to legislate. This would have allowed continued effort on the subject during this session.

However, I want to make it clear that I was against HB 606.

Sen. NIXON: Mr. President, my fellow members of the Senate.

As I am sure you all recognize and appreciate, as your President I am daily, if not hourly, confronted with events and statements both inside and outside the legislative process which tempt, and sometimes challenge me to initiate a course of conduct, or issue a statement, reflecting in some measure my opposition or endorsement. This legislative session, more so than any other I have had the honor to serve in, has unfortunately been subjected to a plethora of such occurrences.

Because in the public eye my words and conduct as President of the Senate may be construed as your words and conduct, and because also my and your involvement to any degree in occurrences not directly related to legislative subjects detracts from our joint commitment to our principal duty — the objective and intelligent consideration of legislative proposals, and the endorsement of those found to be in the best interests of the state and people we serve — I have attempted to steer a course which is uncluttered by any matters not strictly germane to our proper concerns — a course which gives every man the benefit of the doubt, and more, and which hopefully has not exposed any of you to embarrassment or difficulties of a nature extraneous to the legitimate concerns we face together. In so acting, I am aware and willing to pay the price of criticism expressed in terms of lack of initiative, undue apathy and deficiency in combative zeal, charges which probably appear amusing to you who know me best. But on occasion, the line of non-involvement must be drawn. Today I draw the line at Tom Hooker — the victim of a vicious racial slur in a recent editorial signed by William Loeb, describing Mr. Hooker as the black man, who incredibly serves as Director of the Division of Welfare of the Department of Health and Welfare, in New Hampshire. This editorial, and the follow-up story in today's paper are an insult, not only to Mr. Hooker, but to the state of New Hampshire and all of its citizens.

Although I personally know Mr. Hooker only casually, his reputation among his superiors, equals and subordinates in state service, I know him to be, as so many others of our state officials and employees are, a man of dedication, dignity, and devotion to the highest principles of his worthy profession. A native of Georgia, he is a graduate of Ohio State University, and of the University of Pittsburgh, where he was awarded a master's degree in the field of psychiatric social work. He has served the needs of the neglected and denied of, or social system for nearly

20 years now, in numerous capacities at the state and federal level, and in the private sector. His professional achievements have included election as secretary to the New Hampshire Chapter, National Association of Social Workers, and as president of the New Hampshire Social Welfare Council from 1969 to 1972. He is also a lay worker of the Wesley United Methodist Church and chairman of the fund for reconciliation of the New Hampshire Conference of the Methodist Church. He has worked as a member of the advisory board of the Manchester Rehabilitation Center.

Mr. President, John Donne once wrote, "No man is an island entire of itself; every man is a piece of the continent, a part of the main. Any man's death diminishes one, because I am involved in mankind, and therefore, never send to know for whom the bell tolls; it tolls for thee." In slurring Mr. Hooker, Mr. Loeb has slurred us all, and all we stand for in terms of equality among men of all races, colors and creeds. And he did it on the eve of the annual meeting of the National Chapter of Christians and Jews, a worthy organization dedicated to the equally worthy goal of erasing racial discrimination.

So. Mr. President, I say to Mr. Hooker and through him to all the dedicated state officials and employees whose names have been bandied about in derogatory terms in recent weeks that just as "no man is an island entire of itself" you are *not* alone — not while there is a New Hampshire Senate. And I say to Mr. Loeb, you owe an apology to Mr. Hooker, and to all who believe in racial justice and equality, common decency and who practice as well as preach, that "there is nothing so powerful as the truth."

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow in Hampton at Winnacunnet High School at 7:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 456, relative to definition of actuary under the New Hampshire retirement system.

HB 569, relative to the time of delivery of the county budget statement.

HB 599, amending the zoning authority of Kearsarge Lighting Precinct to include the town of Bartlett.

HB 635, relative to temporary loans under the municipal finance act.

SB 140, amending the charter of the city of Concord relative to city council vacancies and absentee voting.

SB 129, relative to the form of ballots for election of delegates to the national conventions.

HB 163, relative to the compensation paid to members of county conventions.

HB 531, relative to election of a town board of assessors.

Adopted.

Sen. Green moved the Senate adjourn at 3:20 p.m.

Adopted.

Thursday, 3May73

The Senate met at 7:30 p.m., in Hampton, New Hampshire.

A quorum was present.

Welcome was given by Senate President David L. Nixon.

Sen. NIXON: Ladies and Gentlemen, my name is David Nixon, of New Boston, I have the honor as serving as President of the Senate and in that capacity, I want to welcome you to the Hampton Home Town Senate Session and thank you all very much for the courtesies you have extended to us prior to this time this evening and for all your interest in government.

Very briefly it is the purpose of the so-called home town Senate sessions to enable citizens around the state to have an opportunity to see their government in action, at least take part in it, the government that they pay for. This program came from

an idea by Sen. Frederick Porter of Amherst, the Senate Majority Leader and was elaborated upon by Sen. Rob Trowbridge of Dublin, is in commemoration of the 190 anniversary of the New Hampshire State Senate as a body.

Without further ado, I have the opportunity and the honor at this time to introduce to you for purposes of presiding over the initial part of this Senate session, the Honorable Robert Preston of Hampton, a good friend and welcomed Senator and a plus so far as the New Hampshire Senate is concerned at this session, Sen. Preston.

(Sen. Preston in the Chair)

Posting of Colors by the Student Council, Winnacunnet High School.

Prayer was offered by Rev. Kelley, Our Lady of Miraculous Medal Church, Hampton, N. H.

Invocation Prayer given to the New Hampshire State Senate, May 3, 1973 at Winnacunnet High School, Hampton, New given by Rev. Richard J. Kelley of Our Lady of the Miraculous Medal Catholic Church, Hampton, New Hampshire.

Let us pray. O God who watches over all people with constant, loving care, we ask that you especially watch over us this evening. Bless our State Senate that they may be able to lead the people of our state of New Hampshire. Bless all of the people who are gathered here tonight. May the topics which are discussed here and the decisions which are made be for the good of the people and to the greater glory of God, our Father.

All of this we ask in the name of Jesus Christ, our Lord and Brother. Amen.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Richard Elliott.

Sen. PRESTON: Thank you very much Mr. President. At this time I would like to call upon the Principal of Winnacunnet High School to welcome the Senate to Hampton, Principal Hawley.

Mr. HAWLEY: As principal of Winnacunnet High School, it is indeed a pleasure for me to welcome you here this evening,

the members of the New Hampshire State Senate. I think I will take this opportunity to thank you for providing an opportunity to see our state in action. I am sure that we are all going to find it worthwhile and I would be remiss in my duties tonight as Principal of Winnacunnet High School if I didn't take this opportunity to thank Mr. Harold Fernel and the many many students at Winnacunnet, the U. S. History students that have made all of the arrangements for the Senate Program this evening. It is my understanding that this is the first time that such a thing has been done in the state of New Hampshire, but the students themselves have made all of the contacts and made all of the arrangements. So for this, we thank the students of Winnacunnet and I would like to congratulate them for doing a real fine job. Welcome.

Sen. PRESTON: Thank you Mr. Hawley. It is now my pleasure to introduce Mr. Leon Anderson, Senate Historian.

Mr. ANDERSON: This is a first legislative session for historic Hampton, and its harmony is in sharp contrast to this nation's first legislative revolt staged 290 years ago by a Hampton pioneer.

This evening's State Senate visit is the 13th of a series of weekly "Home-Town" sessions to celebrate the Senate's 190th anniversary, and the 350th anniversary of New Hampshire's settlement in nearby Rye.

But for this special Hampton meeting, it seems fitting to recall that back in 1683, Legislator Edward Gove of Hampton launched an armed rebellion against taxation without representation which landed him in the Tower of London to be hung, drawn and quartered.

Gove took to horse with sword and pistol on a snowy January Friday morning to battle the hated royal Governor Cranfield for imposing taxes without legislative approval. Supported only by a juvenile son and servant, both armed, Legislator Gove rode to Exeter and way points and by nightfall had mustered an army of but nine other youths.

The next morning, Gove peacefully surrendered outside his Hampton home, and was promptly convicted of treason and given the only sentence of its kind ever recorded in American history. He was to be hanged, then his bowels were to be cut

out and burned before his face before he lost consciousness, after which his body was to be quartered and buried in four different places.

Gove was pardoned after three years of imprisonment by a new king, his confiscated properties were ordered restored, and he again became a leading town official.

Gove's gumption preceded the successful Revolution against taxation without representation by some 90 years. But his daring, doomed as it was for the time being, remains a beacon in Granite State history.

Gove was one of 11 men who served in New Hampshire's first Assembly, created in 1680 when this state first became a royal Province when torn from affiliation with Massachusetts. More than 20 following Goves have served in the Granite State Legislature since that time, and a current member, Rep. Stanley Hamel of nearby Seabrook, is also a Gove descendant.

Hampton's current State Senator, Robert F. Preston, is host for this evening's historic visit. He's more peaceful than the rambunctious Edward Gove. But Preston has also become an historic Hampton figure, by being the only man in New Hampshire annals to have been elected twice to the Senate to serve one term.

Senator Preston was first elected in the 1965 Senate, took the oath of office and then was kicked back to Hampton for allegedly not having been a Granite State resident for seven years, as required by the state constitution for such office.

Observers agreed that the fact that Preston was Hampton's first Democrat ever elected to the Senate, had something to do with this surprising ouster by the Republican-controlled Senate, which then seated the losing Republican opponent. But Preston's dismissal became history. In 1968 the voters amended the constitution to forbid such future partisanship. Now if a person is disqualified after being elected to the Senate, the vacancy must be filled by the district's voters, rather than the Senate itself, as of old.

It is interesting that Senator Preston resides on Winnacunnet road, for that was this town's Indian name when first settled in 1635, even as it is appropriately the name of this handsome high school in which the Senate is now sitting.

Hampton has boasted only six other State Senators besides Preston, even though it is the third oldest New Hampshire town.

Christopher Toppan became Senator in 1788 for five one-year terms, and Tristram Shaw served in 1834.

Nearly a century elapsed before Police Chief Harry D. Munsey became a Senator in 1929. Next was Byron E. Redman in 1945 and later a Racing Commission member.

Banker Dean B. Merrill was Senator in 1955, following seven terms in the House, and then he became Hampton's only citizen to serve two biennial terms, by election.

Hotelman Douglass E. Hunter Sr. became Senator in 1963 and then he substituted for Ousted Senator Preston in 1965.

Sen. PRESTON: Thank you very much Andy. I would now like to ask former Sen. Dean Merrill to come to the podium.

STATE OF NEW HAMPSHIRE SENATE CHAMBERS

Know all men by these presents that whereas, Dean B. Merrill of Hampton, New Hampshire has served his community and the people of the State of New Hampshire with high distinction as a Member of the House of Representatives from 1939 to 1953, inclusive, serving on the Appropriations Committee in the House; and

Whereas, his service to the people of New Hampshire and his fellow man continued by his service in the New Hampshire Senate in 1955 and 1957, serving on the Senate Banks and Insurance Committee, and as Chairman of the Senate Finance Committee; and

Whereas, he has been the guiding spirit of the Hampton Cooperative Bank, as Secretary-Treasurer, for more than half a century. He has also been an official of the Tobey and Merrill Insurance Company for more than fifty years; and

Whereas, Dean B. Merrill has devoted many years to Hampton's public life, including service as Town Moderator, school Board member, Cemetery Association treasurer; and

Whereas, he has also been active in other town organiza-

tions such as the Congregational Church, Masonic orders, American Legion, Grange and the Kiwanis Club; be it

Resolved, by this 1973 New Hampshire State Senate that its members felicitate 78-year-old Dean B. Merrill on the spry and spritely manner in which he continues to serve his fellow citizens, as an exemplary example of American citizenship.

In Witness Whereof, the Members of the New Hampshire State Senate, have authorized and approved the presentation of this Resolution at a hometown Senate Session meeting held in Hampton, New Hampshire, this 3rd day of May, 1973.

President of the Senate
Senator from District 23

ATTEST: Clerk of the Senate

Mr. DEAN MERRILL: Mr. President, members of the Senate, and all of my friends in Hampton. This is certainly an honor which I didn't anticipate and I didn't know I did so many things, but all I can say is that I appreciate it and I do want to thank everyone who took part in it, certainly all of the Senators and Bob Preston for this resolution. Thank you very much.

Sen. NIXON: Ladies and Gentlemen, the dean of the Senate, Sen. Lamontagne exercising his special privileges. He has by reason of his 20 years of services in the New Hampshire State Senate has asked to say a few words, and although everybody objected he has been allowed that privilege.

Sen. LAMONTAGNE: Mr. President, members of the Senate, ladies and gentlemen: It is indeed a great pleasure to be here tonight and especially to see a great friend of mine, Dean Merrill, receive the honors, but I would like to say to you something that happened way back in 1955. Dean was a very, very quiet man but really very powerful because he was the Chairman of the Senate Finance Committee. I happened to have been on the Committee of Conference and the Committee of Conference is usually where many of the special projects are sometimes enacted into law. At that time, Dean Merrill was very interested in trying to get some money in the capital budget so that he could take care of Hampton, and ladies and gentlemen

I want you to know that I was a member of that Committee of Conference and I added two of my friends who wanted a project and Dean happened to be one of them, and at the same time, an old friend back in Lancaster, was Dan O'Brien. Anyway these two fellows wanted a project and I want you to know that I had something to do in helping Dean in getting the first money that you had in cleaning up Hampton Beach.

Sen. PRESTON: Thank you Sen. Lamontagne. At this time I would like to turn the gavel over to Senate President David L. Nixon, so you can see how this really works.

(Sen. Nixon in Chair)

Introduction of Mrs. Poulsen, Mrs. Brown, Mrs. Blaisdell, Mrs. Nixon, Mrs. McLaughlin, Mrs. Preston and Mr. Foley, by Senate President Nixon. Also introduction of Reps. Tony Smith, Ednapearl Parr, Oliver Ackerman, Richard Ellis, Will Cunningham, and Paul Estabrook. There is also a former Governor's councilor from Exeter, the Hon. Austin F. Quinney.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 172, relative to the marine fisheries fund. (Sen. Foley of Dist. 24 — To Recreation and Development.)

SB 173, providing for legal service corporations which shall offer legal insurance. (Sen. Spanos of Dist. 8 — To Judiciary.)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 786, relative to the name of certain buildings in Coos County. Public Works and Transportation.

HB 649, authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood. Judiciary.

HB 650, relative to the publication of notices of appointment of fiduciaries, and repeal of the requirement of the posting of such notices. Judiciary.

HB 749, relative to the compensation of town clerks. Executive Departments, Municipal and County Governments.

HB 750, relative to the compensation of collectors of taxes. Executive Departments, Municipal and County Governments.

HB 694, relative to institutional guardianships. Judiciary.

HB 602, relative to changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe. Resources and Environmental Control.

HB 704, relative to the manner of election of delegates to the constitutional convention. Executive Departments, Municipal and County Governments.

HB 747, concerning conservation and preservation restrictions on real property. Judiciary.

HB 673, relative to adoption procedures. Judiciary.

HB 654, making certain technical changes in statutory provisions relating to the supreme court. Judiciary.

Introduction of Ex-Senator Ted Snell.

HOUSE CONCURRENCE

SB 50, authorizing motions for summary judgment in the district court.

SB 62, to authorize any licensed physician to act as medical referee in certain circumstances.

HOUSE CONCURRENCE ON SENATE AMENDMENT TO

HB 297, relative to the standardization of reports of state agencies and distribution of state publications.

HB 427, relative to penalties for reckless driving.

HB 364, removing limitation on the right of dependents to recover for wrongful death.

HOUSE ADOPTION TO ENROLLED BILLS AMENDMENT

HB 444, legalizing town meetings in Barrington, Salisbury and legalizing certain proceedings of the Gilford school district.

HB 95, requiring distribution of a list of family planning

agencies and services available in New Hampshire with the issuance of every marriage license.

HB 195, relative to semi-annual collection of taxes in cities and towns.

HOUSE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 349, relative to a census of persons as of April first and a separate listing of homestead residence property.

NONCONCURRENCE BY THE HOUSE AND REQUEST FOR COMMITTEE OF CONFERENCE

HB 232, relative to changing the type of notice required to one who has failed to reregister as an eligible voter.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives Reps. Russell Chase, Conley, Newell, Wilcox, and Humphrey.

On motion of Sen. Jacobson, the Senate voted to accede to the request for a Committee of Conference.

Adopted.

The Chair appointed as members of said Committee Sens. Downing, Foley, Trowbridge, Jacobson and Bossie.

HB 101, relative to aircraft financial responsibility.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives Reps. Hamel, Nutt, Merrill, Coutermarsh and Woods.

On motion by Sen. Poulsen, the Senate voted to accede to the request for a Committee of Conference.

Adopted.

The Chair appoints as members to said Committee Sens. Poulsen, McLaughlin, Sanborn and Preston.

CACR 12, Relating To: Jury Trial in Civil Causes. Providing That: The Supreme Court by Rule of Court Shall Determine the Value in Controversy for the Right of trial by jury in Civil Causes.

On motion by Sen. Bradley the Senate voted to accede to the request for a Committee of Conference.

Adopted.

The Chair appointed as members of said Committee Sens. Bradley, S. Smith, Bossie, Trowbridge and Downing.

The CHAIR: The Chair would apologize on an omission for Committee of Conference on HCR 17 and does appoint at this time Sen. Brown to serve on such Committee with Sens. Foley, Preston, and Johnson. Sens. Foley and Preston to be Co-chairmen.

ENROLLED BILLS REPORT

HB 444, legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford school district.

HJR 22, in favor of the North Conway fire department for rescue operations.

HB 195, relative to semi-annual collection of taxes in cities and towns.

HB 427, relative to penalties for reckless driving.

SB 50, authorizing motions for summary judgment in the district court.

SB 62, to authorize any licensed physician to act as medical referee in certain circumstances.

Sen. Provost
For The Committee

COMMITTEE REPORTS

HB 407

to abolish the town of Hampton reclamation authority. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: HB 407 was sponsored by Rep. Parr of Rockingham County, it is an act to abolish Hampton Marsh Reclamation Authority of 1959, later known (1961) as the Hampton Municipal Development Authority. "An area within the Town of Hampton, a large area of vacant or predominantly vacant land consisting mainly of marshland . . . and referred

to as an "Area" which is substandard, decadent, and blighted, which presently serves no substantially economic purpose and which is not required for use as a wildlife preserve or for the purposes of conservation."

The purpose of the original act was to reclaim and develop for residential, commercial industrial business.

Factually attitudes have changed since 1959 — now a greater environmental awareness and the committee feels that the purpose of authority is in conflict with today's existing State and Federal Regulations as they apply to wetlands, tidal waters, and flood plains. The New Hampshire legislature has enacted laws in 1971 and considering others in its present session that oppose the purpose of the authority.

After hearing testimony, and consulting with the Conservation Commission, local authorities, the Office of the Attorney General, it is the recommendation of our committee that members of the Senate should vote for the motion "Ought to Pass" on HB 407.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to waive notice in the Journal and introduce HB 458, SB 133, SB 78, and HB 102, and allow that the committee reports be taken up at the present time.

Sen. TROWBRIDGE: Mr. President, the Senate Finance Committee held an executive session today to bring out these four bills for tonight because we have been busy, as I think many of you may know.

Adopted.

HB 458

relative to the authority of the state treasurer with respect to certain accounts. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: HB 458 for the purpose of the people in the audience, this is a typical kind of bill that comes before the legislature and it is amazing the amount of housekeeping one has to do considering the fact that the state has been going

on for 350 years. This bill, (HB 458) sections 1, 2 and 3 are all the same. Under the present statute technically the State Treasurer cannot borrow any money, although he has the authority to do so, cannot until he is technically in debt. In other words, he has to be behind in his payments and cannot anticipate the fact that the given bills he has, the bills he has for next week let's say, that he may be in debt and for some time the State Treasurer has been ignoring the present statute and going ahead and borrowing money in anticipation of indebtedness, just as the Town Selectmen do. There is a bill in sections 1, 2, and 3, which merely says in the first sentence, that when it is anticipated that there will not be sufficient general funds, the Treasurer can then go out and borrow short term funds so this is completely housecleaning.

Section 4 of the bill has to do with a section of the statute which says that the State Treasurer shall make an annual report and put together with the aggregate amount of funded debt of the state. Under the present statute, it says encumbrances and no one seems to know what encumbrances are so the treasurer, when he puts this bill in he thought that he just might take that word out, so that is is now reduced to funded debt. Section 5 has to do with a situation which goes back a long time. At the present time the Governor and Council has to go once a year down to the Treasurer's office and count up every single security owned by the state of New Hampshire and spend two days going through the bonds and counting them physically and then they have to count up the coupons and the other bonds such as the retirement system, and make sure that they are all there and then take them all out and burn them. Well, it doesn't take much imagination to figure out that there are people who can do this a little better so that section 5 says that the Treasurer is authorized to enter into an agreement with the bank or banks for the purposes for providing a payment and custodial service for bonds and coupons issued by the state and they will provide disposal thereof. So again that was held over from the past and that is how we used to handle these bonds. Section 6 would repeal the section which used to make the Governor and Council do all of these things and that is HB 458. I move that it be adopted.

Sen. DOWNING: Senator, is this in any way increasing the borrowing capacity in the Fish and Game area or the Highway area?

Sen. TROWBRIDGE: No, none whatsoever.

Adopted. Ordered to third reading.

SB 133

making a supplemental appropriation to the N. H. Racing Commission for harness racing. Ought to pass. Sen. Provost for the Committee.

Sen. PROVOST: Mr. President, when the New Hampshire Racing Commission budget was prepared for the last bien-nium in September of 1970, only 126 nights of harness racing was requested by the agency and appropriated by the general court.

This year the New Hampshire Racing Commission has granted 154 nights of Harness Racing at Rockingham Park, thereby creating a deficit for 28 nights for harness racing which brought in an excess of \$400,000 in additional revenue. The agency requires a supplemental appropriation of \$17,800 in order to continue its operations at Hinsdale Raceway. These funds are required by May 13, 1973.

Sen. FOLEY: Mr. President, I rise in support of SB 133. I would just like to say as a member of the Finance Committee that any additional money that can come in either from racing, from beer, gasoline, or from any other type of taxes will be most welcome to the Finance Committee, because we are at the present time going over each department's budget and we are going to have to cut in many places so this additional money will mean a great deal to us.

Adopted. Ordered to third reading.

SB 78

relative to representation for indigent neglected and abused children. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, SB 78 is relative to representation for indigent, neglected and abused children. What this bill does is adds to the present law dealing with delinquents, the words indigent, neglected or abused children so that these persons may have representation in the courts. What this bill in fact does is appropriate \$15,000 per year for the next two years for legal services for such cases. The Senate Finance committee and the Senate Judiciary committee looked into this

and reviewed this piece of legislation and they feel that it is a highly worthwhile piece of legislation due to the fact that under our society at the present time we are finding more and more abused children, particularly they are not getting adequate representation as their parents may. It is felt that this bill will help resolve this issue by giving adequate legal counsel to the abused children.

Sen. DOWNING: Senator, you referred to representation of children as being adequate. What provision is there for the quality of representation?

Sen. S. SMITH: The child would be represented by legal counsel. They would be appointed and we would have to have faith that they would be adequate legal counsel.

Sen. DOWNING: What is the appointment process?

Sen. S. SMITH: I am not quite sure what your question is.

Sen. DOWNING: How do you arrive at appointing counsel?

Sen. S. SMITH: The court will appoint counsel for these cases.

Sen. SPANOS: Mr. President, I support the bill not only because I have a deep concern for the best interests of the indigent, neglected or abused children of our state but mainly because the bill recognizes that the underprivileged and the poor shall have the same rights in our democracy as the more affluent and that, Mr. President, is good for our state, and our nation, and our conscience.

Sen. FOLEY: Do you know how many cases of this type there would be per year in the state of New Hampshire?

Sen. S. SMITH: I am not sure how many cases there would be but the testimony did indicate however, that there might be several hundred of these cases over a year's period, but more importantly, I think that the factor is that particularly with an abused child, their types of cases are on the increase.

Sen. BRADLEY: Mr. President, I rise in support of this bill. I think that it is a very good bill and a very sound bill and in fact without this bill we are in danger of having the present system declared unconstitutional because of the discriminating between the types of juveniles. We provide representation for

those who commit offenses but for those neglected or abused we are not now providing representation. With respect to Sen. Downing's question, I would like to point out that a person who seeks representation is entitled to choose his own lawyer. It is not necessarily provided for him, so that the person doesn't have to have an attorney that he objects to. The court appoints only when it is not otherwise provided. The question with respect to the control of competency on the attorney who is representing the child in the case would come through the general control of the Bar Association and the control which the Supreme Court exercises over the people who are members of the bar.

Sen. LAMONTAGNE: Sen. Smith, could you tell me now if a child was in a foster home who would select the attorney to represent the child?

Sen. S. SMITH: I imagine in that case it would probably be somebody involved in the Welfare Department.

Adopted. Ordered to third reading.

Sen. Lamontague wishes to be recorded as being in favor of SB 78.

HB 102

providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport; and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, as noted by the title, this bill would direct payment of the remaining balance outstanding to be paid in full to the state of Vermont for monies received from them and granted to the Lebanon City Council for use at the Lebanon Regional Airport.

To go into a bit of history, back in 1959, Lebanon wanted to extend its airport and it would cost \$720,000.00. The state would provide \$180,000 and the Federal Government would provide \$360,000.00 and this was the loan to the airport authorities.

Now, the state of Vermont and a town immediately adjacent in Vermont across the river from Lebanon, believing that this airport was to their advantage as well as to New Hamp-

shire's Lebanon, both put up \$16,500.00. Soon after that, to help pay it back, the state of New Hampshire enacted a law known as the Inplaneing Law which was everyone getting on an airplane in the state of New Hampshire paid \$1.00 and it went back to Lebanon and it helped pay off this debt and as soon as Vermont found out about it they wanted to be paid back their share which was done over the years. The debt is now down to \$5,926.95.

Part one of this bill pays back the state of Vermont \$5,926.95, the remainder of that debt.

A while ago the court took the state of New Hampshire to court, saying that this inplaneing fee of \$1.00 was illegal and all of the monies that had been collected during this period, while it was in litigation the money was put in escrow by the Clerk of the Court. The good clerk put it in a savings account and it was some \$100,000.00 that went into the savings account and it collected in excess of \$5,000.00 in interest. Then the court came back and said to New Hampshire "you're perfectly legal in having this as head taxes on people inplaneing in the state so that the inplaneing fee had to be divided and it would be divided between the three airports, Manchester, Keene, and Lebanon. This was roughly 20% for Lebanon, 20% for Keene, and 60% for Manchester. When it was found that there was no provision to divide up this interest among the three airports, the House added an amendment to this bill so that now these three airports can obtain their share of the interest that was left over during the time that this money was held in litigation.

There is no money whatsoever in this bill that would come from the general fund. There is a \$50,000.00 sum right now in the inplaneing fees which will pay off the state of Vermont and the interest money which was collected will just be divided up among the three airports and actually it doesn't cost the state one cent. This is just enabling legislation.

Sen. LAMONTAGNE: Sen. Sanborn, could you tell me whether or not this bill has had any opposition from the Lebanon City Council?

Sen. SANBORN: No, none that I know of.

Adopted. Ordered to third reading.

HB 286

relative to the taking of clams from the ocean waters of New Hampshire. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, the Senate amendment to HB 286 was inadvertently left off the Calendar today and I have printed it and distributed it to the Senators and before I explain the amendment, I would like to explain the bill first because I believe it would make more sense. HB 286 was introduced by Reps. Parr and Chamberlin, in an intent to prevent the deleion of the four largest beds of sea clams along the New England coast. These clam beds lie off the coast of New Hampshire. These facts were verified through research by Rep. Parr and the National Geographic Society. The committee amendment allows only the residents of the state of New Hampshire to harvest these clams within the jurisdiction of the state. The House amendment increases the penalty from \$500 to \$10,000 plus the mandatory confiscation of all equipment used inasfar as the purpose of violating this law. It was known in the past and proven that commercial fishermen with large ships had been coming from states south of us, as far south as New Jersey, and digging these clams with the equipment that they have, these large ships with some kind of conveyor belts, something similar to what you dig trenches with today, and they cleaned. It's been testified that they can diminish one of these beds literally overnight with this sort of equipment and it has also been proved and shown in the past; in fact there are cases in the past where ships of this type have pooled together their financial resources to be able to pay the \$500 fine and then go right out the following day. And this was the reason for the large increase in the penalty.

Sen. GREEN: I noticed the amendment here relates specifically to not less than two hundred miles from the shore. Is there any statute on the books right now that has any claim to that mileage off the shore?

Sen. BROWN: I think you will find Sen. Green, that the amendment reads two hundred miles off the New Hampshire shore or the fullest extent of New Hampshire's shore. This is the intent if the two hundred mile limit is not passed, this law would still prevail outside as far as the state's jurisdiction goes, it may be three miles or more or less.

Sen. GREEN: The question again, I guess the intent of this legislation is to state a specific limit as to New Hampshire's waters?

Sen. BROWN: That is not the purpose of this bill. The purpose is only to protect the clams as far as the state's jurisdiction goes, whether it be thirty miles or two hundred miles.

Sen. S. SMITH: Is there any chance, I know this year that there is no appropriation to cover the enforcement of this law. If this is passed will it call for an appropriation of funds either from the Department of Safety or from the Division of Safety Services for boats and for the commanders who are in charge of the Division of Safety Services to enforce this law? How will it be enforced?

Sen. BROWN: There was not testimony given in relation to an appropriation and how this will be policed, although the Fish and Game Department did testify and they are favor of this bill. I assume the department that polices it now will continue to police it under the same conditions that presently exist.

Sen. DOWNING: You mentioned the purpose of this bill was to eliminate these out-of-state people from coming up with their specialized equipment that is capable of cleaning out an entire area of this particular species. This really doesn't eliminate harvesting by that type of equipment.

Sen. BROWN: No, it does not but it does eliminate it for out of staters. It does allow New Hampshire bona fide residents to do it. They can still use this equipment.

Sen. DOWNING: How do you actually expect to relieve the problem of the threat to clams or do you just want to put a monopoly on it for the residents of the state?

Sen. BROWN: No, it was testified that they don't expect it from the residents of the state.

Sen. DOWNING: Isn't it a fact that a licensed resident could hire, borrow or lease exactly that same equipment and come up and make a harvest and sell those interests outside of the state?

Sen. BROWN: This is very possible, if bona fide residents of New Hampshire so desire to do that, they could.

Sen. DOWNING: I really have reservations whether this bill is going to accomplish what you wish it to accomplish?

Sen. BROWN: Would you please repeat the question?

Sen. DOWNING: How do you feel that this bill, after explaining it the way you have and the recent series of questions, how do you feel this bill is going to accomplish or prevent this abuse of harvesting, as you say this bill is intended to do?

Sen. BROWN: It will not stop New Hampshire residents from doing exactly that. There are no New Hampshire fishermen doing that, it is all being done from fisherman from the south of us and I agree with you Senator, it does allow the residents of the state to continue doing what we are trying to prevent others from doing. From testimony they too felt that they will not effect the clam beds out there because there are not enough of these commercial fishermen.

Sen. Blaisdell moved that HB 286 be recommitted to the Committee on Resources and Development.

Adopted.

SUSPENSION OF RULES

Sen. Poulsen moved that the rules of the Senate be so far suspended as to allow introduction of SB 147 without previous hearing and without being previously advertised in the Calendar.

Adopted.

SB 147

broadening the purposes for which the capital appropriations of 1971 for dredging of Hampton Harbor may be expended. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President this is Senate Bill 147 and it was introduced by Sen. Preston, which has to do with the dredging of Hampton Harbor and it adds to the law only two words, "and improving" so that the money that was appropriated two years ago, \$360,000 is further defined by the two words, "and improving", so that the dredging of sand that is dug up by the dredging can be used to a good advantage instead of just dust. We urge its passage.

Sen. PRESTON: Mr. President, as Sen. Poulsen said, there

was money appropriated two years ago and the legislature for the purpose of adding two words, "and improving" due to the fact that all the underway down at Hampton Beach, it is being dredged by a corps of engineers under the agreement with the Corps of Engineers, the state has a responsibility for dredging and improving the inner harbor. The corps is using some sand to replenish the beaches. The state will use the greater sum of this money that was appropriated for dredging and we would like to take some of the sand to replenish sections of the river and replenish the jetties and so forth in this area. So the State Highway Department and Special Services had requested the addition of these two words to the bill.

Sen. BLAISDELL: Mr. President, as chairman of the Recreation and Development committee, I rise in support of SB 147, even though my name was left off the Hampton Union this evening I have respect for the judgement of Sen. Preston from District 23, and so I can be sure that my friend Bert Snead, can get his boat out of Hampton Harbor.

Sen. LAMONTAGNE: This bill doesn't have to go to Finance? Is that correct?

Sen. PRESTON: No, it does not have to go to Finance, because the funds were appropriated three years ago and it just allows for the addition of improving instead of just dredging.

Sen. LAMONTAGNE: Mr. President, I rise in support of the committee recommendation Ought to Pass.

Adopted. Ordered to third reading.

SB 128

relative to recess of a jury in deliberation. Ought to pass.
Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, SB 128 has the full support of the clerks of the superior court of the State of New Hampshire. This bill provides that the court, in its discretion, may allow jurors to return to their homes during a recess in the deliberations of a case after being cautioned by the court not to discuss the case with any other persons. The law now provides that no jury may deliberate after midnight and must then receive eight hours of rest and this requires the county to house and feed juries for such time as they are in deliberation. A great percentage of cases do not require the requesting of a jury dur-

ing deliberations in civil and lesser criminal cases. When there occurs a highly publicized criminal or civil case the court would in its discretion provide facilities for the requested jurors as it does now. The end result would be greater comfort for the juries by being to return home to their families at night, together with a substantial saving in court costs to our respective counties.

Adopted. Ordered to third reading.

HB 579

relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 579 abolishes the words of degradative insinuation attached to children born of parents not legally conjoined from the New Hampshire statutes. We all are aware of the very negative feeling elicited by denominating such persons as bastards. The practice grew out of the middle ages when the question of legitimacy lay close to the issue of inheritance and division of property, especially as it pertained to the question of primogeniture. The name attached to an illegitimate son was *fil de bast*, the son of an irregular bed, thereby depriving him of the right of primogeniture. These reasons and others have long since disappeared from history and social attitude. HB 579 is long overdue and I hope the Senate will support the committee report, ought to pass.

Sen. FOLEY: Mr. President, the changing of the three phrases and their derivatives to the phrase, child born of unwed parents, seems to be a gesture and as Sen. Jacobson said, long overdue. I would like to go on record as being in favor of this measure.

Sen. BRADLEY: Mr. President, I rise in support of this bill. It seems that it is a very good one and long overdue. I would like to share with the Senate, however, the testimony on the bill and the sponsor did say he wanted the words removed from the statute and the use of the word bastard in respect to a baby. He didn't want it removed from the dictionary because he felt that word should be reserved for people for when they grow up in certain instances.

Adopted. Ordered to third reading.

SB 71

relative to eminent domain procedures. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill is for the most part a housekeeping bill. It attempts to remove the bugs which have been uncovered in the new procedures act, which was adopted in the 1971 session. Although the new law on the whole seems to be a vast improvement over the old laws which covered eminent domain, a number of problems have come to light after two years of dealing with the new law. The main effect of the bill is to streamline and remove delays from eminent domain procedures. Representatives of the Attorney General's office, the Eminent Domain Commission and the Highway Department all testified in favor of this bill. The only opposition to the bill came from an attorney who raised the constitutional question with respect to the part of the bill which removes the procedure for making a preliminary objection. However, after reviewing the particular objection, the committee felt that it did not raise a constitutional matter and moving the procedure for preliminary objections was not unconstitutional and it simply allows for a speedier procedure to take place without taking away anyone's rights.

Sen. BOSSIE: Sen. Bradley, will you advise the honorable members of the Senate of the effects this bill will have in lessening the appeal?

Sen. BRADLEY: Yes, there are two parts of this bill which would speed up the process and you will notice for example, under Section 4 of the bill on page two, that the thirty days has been reduced to five days and also under paragraph six of the bill over on the top of page three there likewise has been a reduction in the time from thirty days down to five days.

Sen. BOSSIE: Do you feel Senator, that the lowering of the appeal periods will in any way take away from the rights of citizens of the state of New Hampshire in pursuing the eminent domain appeals?

Sen. BRADLEY: No, it does not appear that it should, because even missing one of these five day periods does not seem to be fatal to anyone's rights.

Adopted. Ordered to third reading.

HB 353

requiring registration of halfway houses. Ought to pass with amendment. Sen. Sanborn for the Committee.

AMENDMENT

Amend RSA 172-A:4 as inserted by section 1 of the bill by striking out in lines eight and nine the words "one professional person" and inserting in place thereof the following (the director of the division of mental health or his designee), so that said section as amended shall read as follows:

172-A:4 Advisory Committee; Establishment and Duties. There shall be a halfway house advisory committee to the commissioner which shall consist of three members of the house of representatives appointed by the speaker, one of which shall be a member of the house committee on health and welfare, one member of the senate appointed by the president, and seven other members, one from the state council on aging, one from the state prison staff, one from the program on alcohol and drug abuse within the division of public health of the department of health and welfare, two non-professional persons, the director of the division of mental health or his designee and one who represents halfway houses, appointed by the commissioner with the approval of governor and council. The governor shall designate one member of the committee as chairman. Members of this committee shall be appointed for three year terms; except in the first year of the committee's existence in which the commissioner shall have the discretion to appoint not more than seven members to the committee with staggered terms not to exceed three years in length so as to provide some continuity of membership on the committee in future years. Members of this committee shall receive no compensation. The advisory committee shall advise the commissioner on general policies involved in the establishment of halfway houses within the state and more specifically shall advise the commissioner and/or his designees on recommended minimum standards to be adopted in the future by the committee to govern the activities of halfway houses.

Sen. SANBORN: Mr. President, I must explain the amendment so that you will know what this bill is about. This bill will create a new chapter in the RSA, which chapter will provide for the regulation of Halfway Houses in the state of New Hamp-

shire. It also provides for an advisory committee to be established to advise the Commissioner of the Department of Health and Welfare, as to recommended rules and regulations. Under these definitions a Halfway House is a supervised, residential facility designed to provide a specialized program of assistance and or treatment for its residents. Under 12-A: for, this bill came to us being already amended by the House and it would consist of the seven other members, one from State Council on aging, one from the State Prison staff, one from the Program on Alcohol and Drug Abuse within the Division of Public Health or with the Department of Health and Welfare, to non-professional persons and a professional person. The director of the commission requested that we make a change of one professional person and insert in its place thereof the director of the division of Mental Health or his designee be on the committee. This is the basis of the amendment.

Amendment Adopted. Ordered to third reading.

HB 199

requiring spark arrestors on motor vehicles operating in woodlands without snowcover. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, HB 199 requires spark arrestors on motor vehicles operating in woodlands without snowcover. The Department of Resources has had a growing problem of forest fires started by all kinds of vehicles such as trail bikes with improper exhaust. This bill attempts to prevent this problem.

This bill was amended in the House to include other motorized equipment including generators. The effective date was also changed to take effect January 1, 1974.

Sen. POULSEN: Mr. President, I rise in support of this bill. I read it over very carefully and I think that the lumbering industry, and this allows for skidders, tractors, jeeps, and all of the other things that we use in the woods and yet points out the other equipment that we don't even know the name of, but that will be used in the next few years. I urge its passage.

Adopted. Ordered to third reading.

Sen. Jacobson moved that the HB 368 be recalled from the Governor's possession.

Sen. S. SMITH: Mr. President, I rise in support for the motion to recall HB 368. However, I do hope that if it is recalled that the motion to lay on the table would not carry and that the bill be returned to the committee on Finance so that rapid action may be taken. We have had discussions on this bill for over a week, it is relevant that this bill be passed and be made into law because it deals with scholarships and funding for the Dartmouth Medical School for New Hampshire residents and I would hope that the Senate Finance committee would take rapid actions on it.

Sen. JACOBSON: Mr. President, I have no objection at all to Sen. Smith's motion that we recommit to the Finance Committee because the same opportunity would be granted that way and I wholeheartedly support the motion to recommit to the Finance committee.

Sen. Jacobson moved that HB 368 be referred to the Committee on Finance.

Adopted.

Introduction of Rep. Cressey.

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until Tuesday at 1:00 back in Concord.

Adopted.

LATE SESSION

Third reading, and final passage

Sen. SPANOS: I move that the rules of the Senate be so far suspended as to place on third reading and final passage at this time HB 407, SB 128, HB 458, SB 133, SB 78, HB 579, SB 71, HB 353, HB 199 and SB 147 and further that we dispense with the reading of titles and assign the titles previously read by the chair.

Adopted.

HB 407, to abolish the town of Hampton reclamation authority.

HB 458, relative to the authority of the state treasurer with respect to certain accounts.

SB 133, making a supplemental appropriation to the N. H. Racing Commission for harness racing.

SB 78, relative to representation for indigent neglected and abused children.

HB 102, providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport; and making an appropriation therefor.

SB 128, relative to recess of a jury in deliberation.

HB 579, relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents.

SB 71, relative to eminent domain procedures.

HB 353, requiring registration of halfway houses.

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover.

SB 147, broadening the purpose for which the capital appropriation of 1971 for dredging of Hampton Harbor may be expended.

Adopted.

Sen. Preston moved the Senate adjourn at 9:58 p.m.

Tuesday, 8May73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Vincent Fischer, Senate Chaplain.

Almighty God, grant unto us wisdom and strength as we fellowship together this day.

May we be steadfast in our deliberations and go forward with a purpose as we work for the good of others. Amen.

Pledge of Allegiance was led by Sen. Spanos.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 174, relative to the declared date of the end of the Korean Conflict. (Smith of Dist. 15; Lamontagne of Dist. 1 — To Ways and Means.)

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 655, authorizing a court to designate the type of officer to whom a *capias* may be directed for service. Judiciary.

HB 684, relative to exceeding appropriations under the municipal budget law. Executive Departments.

HB 777, relative to the combined office of town clerk-tax collector. Executive Departments.

HB 743, relative to the dispensing of controlled drugs. Public Health, Welfare and State Institutions.

HB 671, prohibiting the use of motorboats on Willard Pond in Antrim. Recreation and Development.

HB 627, to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession. Public Health, Welfare and State Institutions.

Sen. TROWBRIDGE: I move whereby HB 684 was referred to Finance be vacated and referred to the committee on Executive Departments, Municipal and County Government.

Adopted.

COMMITTEE REPORTS

HB 246

relative to reimbursement of certain towns for district court sessions held within such towns. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This is a fairly simple House Bill, it simply amends the law which now provides for a four dollar per case reimbursement in certain towns when they are holding certain court sessions in these towns to eight dollars. This is sponsored by Rep. Frizzell. There was actually no testimony before our committee on the bill. Rep. Frizzell has told me since that it is her opinion that the state dollar reflects more closely the actual cost of the per case load and on the basis of that, the committee feels this ought to pass.

Adopted. Ordered to third reading.

HB 428

relative to certain relatives' responsibilities in medical assistance cases. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, again this is a fairly simple bill in smaller scope it is primarily housekeeping in that there was a reference omitted in earlier statutes and only one person testifying on the bill and Mr. Thompson in the Division of Welfare, his testimony was that the bill was introduced at his request in order to clarify this discrepancy. When that statute was amended it provided for the administration of assistance program, however, the reference to mutual responsibility of husband and wife for their children was omitted and the bill takes care of that.

Sen. SANBORN: In the last line of this bill it says, if the individual is under twenty-one, I thought that we had lowered the age of majority to eighteen?

Sen. BRADLEY: That's a very good question. And that is one of the very few exceptions that we made, was in this section and a couple of others like it where the child was disabled and able to continue to be supported until age twenty-one rather than age eighteen.

Sen. SANBORN: In other words if the child is still in school or disabled he will be maintained, if not, they are out on their own and they have to take care of their own medical assistance.

Sen. BRADLEY: That's half right. According to this section the child doesn't have to be.

Sen. PROVOST: Is this bill pertinent only for private or public institutions?

Sen. BRADLEY: We have a program of public assistance for the blind, disabled, aged. Now under the law as it exists now, without this bill there is an obligation of certain relatives to meet that or reimburse the state for this kind of thing. With the exception of medical assistance where there is a complete exemption. The purpose of this bill is to say that a husband and wife are responsible for reimbursing the medical centers and they are also responsible to a child that's a minor or is under 21 or either blind or totally disabled. So this removes the wholesale exemption for the liability on medical assistance.

Sen. PROVOST: Does it pertain only to state institutions or only private or some other institutions?

Sen. BRADLEY: Well this is the assistance that is provided for someone for medical aid no matter where they are getting it.

Adopted. Ordered to third reading.

Introduction of Robert Whitaker, Commissioner of the Department of Public Works and Highways to speak on the functions of his department.

Comm. Whitaker: President Nixon, Members of the New Hampshire Senate: I am delighted on this occasion for this, my first opportunity, to address this honorable body. Mr. President, in leading into the format set forth in your kind invitation, I would ask that the Senate first consider New Hampshire's Highway System; its highway programs; its highway maintenance; and its highway problems in terms of the people who are responsible for them; who design them; who maintain them; who plow them; salt and sand them; and who develop, type and file the massive amount of paper involved and who keep its accounts. I am proud to comment, with no intent to pat myself on the back, that the Department has a strong, highly skilled, highly responsible and highly responsive staff at all levels. In these respects, New Hampshire need not take second place to any other state highway department. I would ask your assistance in the required steps for maintaining the status quo as I have just outlined it, in the form of the substantial pay increases necessary to cope with ever-inflating living costs. I would hope that legislation now being considered might result in time and one-half payment over 8 hours for those of the Department's staff who are paid on an hourly basis even as

people holding similar positions in private industry are paid. I would also hope that you might look favorably on the addition of new positions in certain critical areas where the efforts of governmental and environmental red tape are most strongly felt. We are fast reaching a situation where these factors are imposing themselves as priorities over useful accomplishment.

Next, I will outline as concisely as possible the magnitude of the staff just commented on.

The Department is currently authorized a total of 1629 permanent positions. Of these, 1489 are involved in the highway program and are paid from the dedicated Highway Fund. 127 of them are assigned to the operation and maintenance of the turnpikes and are paid from turnpike revenues. 13, I repeat the number 13 for emphasis, are employed in the Department's Public Works Division and are paid from the General Fund. In addition, from time to time throughout the year, the Department's operations require the use of approximately 400 temporary employees.

Next, it is logical to follow through with responsibilities which the Department is charged. Its basic mission is the construction, year-round maintenance and operation of the state's approximately 4200 mile state highway system. This is supplemented by similar responsibilities as they apply to the state's 80 miles of toll expressways. Its Public Works Division is charged with the planning, design and construction of the state's capital budget requirements as well as the maintenance requirements of its institutions. These responsibilities do not include the University of New Hampshire or the state colleges. Once again, I should like to emphasize the fact that these extensive responsibilities are carried by only 13 people.

The Department's budgetary appropriations for 1973 amount to 78.7 million dollars for its state highways; 5.3 million dollars for its turnpikes; and \$221,000 for its Public Works Division. It should be noted that of the budgetary appropriation for highways, 7.4 million dollars are earmarked for various town and city aid programs. For comparative purposes, the Department presented to the Governor's Budget Committee last December, a highway budget calling for total expenditures of 84.5 million dollars for 1974 and 85 million dollars for fiscal 1975.

For its turnpikes, it requested a total budget of 6.2 million dollars for 1974 and 5.9 million dollars for 1975; and for its Public Works Division, a budget of \$278,000 for '74 and \$279,000 for '75.

As with every other program, the Department's activities are feeling the sharp pinch of inflation. It amounts to approximately 8 percent annually which, when compounded as it must be, will double the cost of any given project in 8 years. For a more dramatic comparison, I am able to state that in 1941, we were able to build a mile of federal aid primary highway for approximately from \$40,000 to \$50,000. Thus, with a 2 million dollar appropriation for construction, we were able to produce 35 or 40 miles of new highway annually. Now, a mile of two-lane highway, meeting current federal aid standards, costs from $\frac{3}{4}$ of a million dollars to $1\frac{1}{2}$ million dollars depending on the roughness of the terrain through which it passes. We are lucky to produce from 12 to 15 miles of new federal aid highway annually. I am thus far excluding comments about the interstate highway system.

You may logically question the degree with which we are able to cope with our needs. We know that there are currently about 460 miles of our primary highway system which are in urgent need of reconstruction, not only to provide the service and convenience which they should provide but of much greater importance, to provide the travelling public the degree of safety to which it is entitled. Actually, this deficient mileage is increasing with the 7 percent annual increase in traffic which has taken place and the fact that highways not only become obsolete but literally wear out. I have not taken into account in the foregoing figure the 2200 miles, more or less, of secondary state highways which badly need to be upgraded. These in particular are the highways which our New Hampshire citizens must use in the conduct of their everyday affairs. We have just come through a more than usually severe winter as concerns its effect on highways. I need not describe to any of you the condition of many, many miles of our secondary highways. New Hampshire's citizens deserve something better.

Let us consider the matter of safety for the moment. At the present time, there are 176 so-called high hazard repetitive accidents locations with a total of 1418 accidents charged up against them. The state highway system includes more than

1700 bridges of which 105 are in need of the earliest possible replacement.

We do not believe the highway situation which I have briefly described to be by any means a hopeless one. However, we do not believe it possible to reasonably cope with it within the framework of federal-aid construction. There are many miles of both our primary and secondary highways which have reasonably good alignment and reasonably good grades. In addition, there are many miles of our secondary system which carry fairly light traffic. Much of this mileage can be upgraded at a relatively low cost and made to serve well for many more years. This can be accomplished by the addition of shoulders, improved foundation and new surfacing. Most of these things can be accomplished without vast expenditures for new right-of-way. We know that, as a state, we are not keeping up with the needs of the travelling public. In order to reasonably do this, we believe that a state finance program of upgrading — call it an expanded betterment program if you wish — to be virtually a necessity. To this end, the Department's budget, as it is now before the House Appropriations Committee, contains 3.4 million dollars for each of the two coming fiscal years with which to initiate a very modest program of this nature. This item has received the Governor's blessing and, hopefully, may receive that of the Appropriations Committee. I would earnestly solicit the support of Sen. Trowbridge's committee and that of the Senate, as a whole, in appropriating this sum as a bare minimum for this purpose. Sen. Brown's SB 144 provides for a much needed supplement. Should you ask in what area of its budget the Department's first priority lies, I would name this program. It is noteworthy that our northern New England neighbors, on either side, are moving in this same direction. Vermont has had an expanded program of this nature underway for at least three years while Maine is about to embark on one. Perhaps our request is too modest; however, I am only able to wryly comment that a similar request failed to survive the 1971 session. In the event that such an expanded upgrading program does receive legislative approval, it will be accomplished by the contract method with minimum plans and greatly reduced design standards from those required for federal aid work. While it is not possible to indicate to you a fixed cost per mile, we believe an estimated \$150,000 to \$200,000 cost per mile to represent a reasonable figure.

I have every reason to believe that there is considerable interest in this body in the toll road expansion program adopted in the 1971 session. In the interest of brevity, I will attempt to report in the nature of a thumbnail sketch. I have here, two small maps stapled together. The top one shows the history of your action in 1971. The second map shows the fiscal situation as set forth in HB 247 and its proposed amendment which are now before the House Appropriations Committee.

1. Blue Star Memorial (Seabrook to Portsmouth)

We have not let 3 contracts totaling \$9,501.832. They are running beyond our estimates. We have asked for another 5 million dollars authorization in addition to the 33 million dollars already requested. If this additional sum is not forthcoming, it will be necessary to eliminate certain desirable features of the highway.

2. Spaulding Turnpike

This was estimated prior to the 1971 session on a rule-of-thumb basis to cost 20 million dollars. With the inflation factor, and based on the engineering estimate, we now believe the 34 million dollar figure to be necessary. HB 247 would provide this sum. We have not progressed beyond the most preliminary design stages because of my inability to certify that this section would fly. It is in order to comment, that projection of revenue for the Seacoast Turnpike indicates its ability to finance its own expansion to 8 lanes as well as to supplement the income from the Spaulding Turnpike and swing it at the new figure of 34 million as well. I recommend your support.

3. Manchester-Hampton Toll Road

This entire matter is in limbo as the result of action at the Special Session which a) placed a footnote on the supplemental budget prohibiting further implementation until after July 1, 1973; and b) a second footnote which precludes the use of federal aid funds on this section of the route. Here, again, inflation goes on and our engineering estimates now place its cost at 54 million dollars. It is logical to increase the estimate to 60 million dollars in the face of probably continued delay. Forecasts of revenue indicate this road had just about a break-even proposition at the 40 million dollar figure. It will not fly on its own at the 60 million dollar figure. However, by aggregating

the finances of the F. E. Everett Turnpike, the Seacoast Turnpike, the Spaulding Turnpike and the Manchester-Hampton Turnpike, there is a very sound basis for forecasting that the entire system will be something more than self-supporting. By that I mean, construction, maintenance and operation. The State Treasurer believes that the present statute provides for aggregating the turnpike finances now.

4. The F. E. Everett expansion as the latter passes to the east of Manchester and its interchange with interstate 89 at Bow

28.5 million dollars were authorized for this phase of the expansion program. We have, as yet, been unable to resolve the interchange at Bow to local satisfaction and we had originally contemplated reconstructing the route to provide a 60 foot media strip for reasons of safety and aesthetics. It may become necessary to simply add an additional lane on either side and provide the present narrow median with a continuous barrier rail in order to stay within the appropriation. In short, we believe, at the moment, that this phase of the expansion program can be resolved within the existing funding authorization. We will be better informed as to our ability to provide an acceptable design for the Bow interchange after a public hearing later this year.

I have spoken earlier of the high quality of the Department's personnel at various levels. I am going to touch briefly on this matter again with specific reference to the youthful, vigorous and very competent management of the Department's maintenance section under its maintenance engineer and assistant maintenance engineer and seven division engineers. Not only is this management aggressive, it is also innovative. Among its accomplishments, is the development of a so-called sensible salting program as well as general increased efficiency in all maintenance operations. The decreased use of salt may be a controversial item. I would be interested in the reaction of this body in this respect. In any event, the Department has used nearly 60,000 tons less this past winter than usual. Its people attribute this reduction to be due, about 70 percent, to the type of weather encountered with the other 30 percent resulting from fewer salting runs and the use of an increasing number of calibrated mechanical spreaders.

Thank you for your patience and interest.

Sen. LAMONTAGNE: I wonder if you could give us the highlights of SJR 3 that passed the Senate but seemed to be misunderstood in the House in reference to the retirement system. I am told that you are in favor of that resolution.

Comm. Whitaker: I was Sen. Lamontagne but what happened to it I don't know.

Sen. LAMONTAGNE: Well it's in the House now but I'm wondering if you could give us your viewpoint and what you think about it, because you did not have the opportunity to appear before the Finance Committee and I'm sure that if we have your comments now it might be helpful in the House.

Comm. Whitaker: This is one of the bills that I do not have. The bill to which the Senator refers would make an appropriation to pay the actuarial cost of having a study made for the retirement system in order that the legislature might have the benefit of that study in considering whether or not it would enact legislation which would make it possible for a number of the department's people who were hired as temporary employees at the beginning of the Interstate system construction back in 1956 and which stayed on the payroll and later became permanent. It would simply make the proposal, their retirement retroactive to the day their service began rather than the day to which they became permanent. And the Senator's bill has appropriated \$1,200 for the necessary actuarial study. I think it would be a most worthy purpose, Senator and I apologize for not recognizing the number.

(Sen. Bossie in the Chair)

SB 59

providing that no criminal penalty shall be imposed for failing to yield the right of way at an intersection. Ought to pass. Sen. Bradley for the Committee.

Sen. BOSSIE: Mr. President this bill reveals the criminal fines for failing to yield right of way it provides that such acts shall only be in cases of civil negligence. There was considerable testimony and much of it was from the Police Department of the City of Manchester. They say that over fifty accidents a month occur which involves this situation. It involves open intersections which have no traffic controls. Cars in an accident are often moved before police get there and it's often hard to

determine who's at fault there is strictly no evidence of speed for which automobile entered the intersection first. To distinguish between failing to yield after a stop sign this would still be in effect. And in Manchester alone in an average month over 300 persons are cited for failing to yield at stop signs. At the present time many of our courts will not find guilty in such cases for they consider these matters to be civil in nature. Much of the time of our police is taken up with investigating these matters. It should not take precedence over serious crimes. The police have been doing the work of our insurance investigators and they should not and they should be restricted to matters of serious offenses. So we would like to see the passage of this bill.

Sen. BRADLEY: Isn't it true Sen. Bossie that the only person other than yourself who testified in favor of this bill was Chief Vale of the Manchester Police Department?

Sen. BOSSIE: Yes, Chief Vale and also the City Prosecutor of Manchester had authorized me to speak in his behalf in an effort to pass this legislation. He is the presecutor of all these offenses and he is much in favor of this. And many of the police officers in the City of Manchester are, also.

Sen. BRADLEY: Mr. President, very reluctantly I rise in opposition to the report of my committee, I think for the first time. This bill is not that important in the large scheme of things but it does seem to me very unsound legislation. We have in our staff reports things called rules of the road; which spell out in quite a lot of detail the various rules that people must follow such as: 1, yielding the right of way 2. not crossing yellow lines and so on. And for each of these rules there is a criminal penalty provided which in the case of most of them is only a minimum of fifty dollars on a first offense, a hundred dollars on the second. Now these rules are also important because they provide the standard of care which one must follow and meet with respect to civil liability. Now it seems to me to be rather silly to pick out two or three of these many sections and say we're going to remove the criminal penalty and say that we are going to leave only the possibility of a civil remedy. Now that is the silly part of it. What really disturbs me here is the fact that it seems to me that the Manchester Police Department is only misconceiving what its responsibility is with respect to forcing criminal statutes; apparently they suffer un-

der the misconception that if there are any possible violations of statutes that they must necessarily prosecute even though their cases are being thrown out by the courts on a wholesale basis. The answer to that problem is simply better judgement on the part of the police not to prosecute the case unless they think it is so aggravated that it requires action in the court.

The solution to their problem is not to come before us and ask us to do away with the criminal provisions on the statute which might very well have a place when administered with justice. For example, if we pass this bill there will be no way to deal with the situation where a person fails to stop at a stop sign and gets into an accident. To me that's ludicrous. If a person fails to stop and he's caught by the police he ought to get a ticket. If you pass this, you'll prevent that from taking place. The chair recognizes Sen. Bossie.

Sen. BOSSIE: Sen. Bradley, I believe you are mistaken if you had reviewed the bill if a person fails to stop after a stop sign he still can be prosecuted, it would not repeal that law. Did you see that in the bill? It applies to intersections that have no traffic control.

Sen. Nixon moved that SB 59 be made a special order of business for Thursday, May 10.

Sen. NIXON: It was sponsored on the behalf principally of the Manchester Police Department and District Court which is the busiest court in regards to volume of litigation and criminal and traffic litigation particularly. The difficulty has been that the prosecutor, the police officers that are required to come and testify, the judges and of course the people involved just do not understand why there should be a criminality attached after the failure of such things as failure to yield after stopping at a stop sign. Or to yield the right of way after stopping at a yield sign, or at an intersection. I can well understand in the event they are involved in a collision that if they should have yielded they should be responsible to their respective insurance companies. But these cases have led to endless wrangles and dissatisfaction in the judicial process and this has been presented at the specific request of the Manchester Police Department. The bill is sponsored by Sen. Bossie. Now again the purpose of the legislation as originally sponsored and conceived was only to abolish the criminality of failing to yield after hav-

ing stopped at duly posted stop signs. Or failing to yield the right of way in the absence of stop or yield signs. And the bill as now presented does not seem to meet the challenge and accordingly the motion for it being made a special order would give the committee another 48 hours to redraft the bill in order to accomplish the purpose intended.

Sen. JACOBSON: Senator, I was just curious about one point and that was your use of the word criminality. I thought that the Motor Vehicle operation laws did not go into criminality. That that was a separate category.

Sen. NIXON: I think you may be right theoretically and certainly ideally, the only problem is that when a person is summoned to go to court and has to stand up and have a charge read off and has to enter his plea, is advised of his rights and has to plead nolo, or guilty or not guilty and if he pleads not guilty he goes through a trial and is prosecuted by the Manchester City Prosecutor together with the assistance of the Manchester City Police Department, he somehow thinks that he is somehow and to some degree a criminal, notwithstanding our legislation that may indicate otherwise.

Adopted.

SB 63

providing for arrest without warrant in miscellaneous cases where probable cause for such arrest exists. Ought to pass. Sen. Bossie for the Committee.

Sen. Bossie moved that SB 63 be recommitted to the committee on Judiciary.

Sen. BOSSIE: Basically, Mr. President there is some confusion at least in my mind as to this bill and I would like to have a chance to have the committee review this. I think we should do some work on it.

Adopted.

SB 117

establishing a minimum penalty for driving without a license. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President, members of the Senate this act is for establishing a penalty for driving without a license. And this is the result from the study committee which

Sen. Jacobson and myself have served. Under the present statute there is no penalty for a person who has been operating without a license so this bill just sets up a minimum fine of \$100 for anyone convicted of operating a motor vehicle after his license to operate has been suspended or revoked.

Sen. FERDINANDO: Did you say that right now there is no provision for a fine at all?

Sen. LAMONTAGNE: Right now there is no penalty at all.

Sen. JACOBSON: Sen. Ferdinando at the present time there is a penalty. The penalty may be one dollar or maybe 500 dollars. What this bill does is establish a minimum of \$100. And this is on the recommendation of the study of the committee who studied the operation of Motor Vehicles in which we conferred with a Department of Safety police officer etc.

RECESS

OUT OF RECESS

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. S. Smith moved that the rules of the Senate be so far suspended as to waive publication and notice in the Journal and bring on the floor at this time SB 100 and SB 110.

Sen. SMITH: Mr. President, SB 100 and SB 110 are again bills that deal with the retirement system. We believe that both bills will be referred to the Senate Finance Committee which is having a hearing on Thursday on all bills dealing with the retirement system and I would hope that these bills could be sent there so that we can have them take action on them. If the motion is adopted I shall explain SB 100 and Sen. Johnson SB 110.

Adopted.

SB 110, relative to service retirement benefits under the New Hampshire Retirement System.

Sen. SMITH: Mr. President, in effect what this bill does is place all of the New Hampshire teacher retirement systems,

all of the retirement systems for firemen and all of the retirement systems for police on a cost of living increase basis. The money involved in this is quite substantial, however, under our present system the benefits to these people are very small due to the increase of inflation over the years. I would like to read the ages and years of service and benefit of several teachers here mentioned. There is one teacher who is 93 years old, she taught school in service for 44 years, and through the teachers retirement system received a total benefit of 805 dollars for a year. Another 94, with forty-four years of service a little over a thousand dollars. Another 87 with forty-one years of service received 681 dollars a year. This is an expensive bill. I think the committee felt that it had merit and they were concerned about the cost. Due to the fact that Senate Finance Committee is going to review this entire retirement system my feeling, and I think the committee's, is that they should also be giving consideration to this bill.

Adopted. Referred to Finance.

SB 100, providing for cost of living increase for retirement allowances paid to teacher members of group I and all members of group II under the New Hampshire retirement system and all members of the New Hampshire Firemen's retirement system, the New Hampshire Policemen's retirement system and the New Hampshire teachers' retirement system and making appropriations therefor.

Sen. JOHNSON: Mr. President, SB 110, is relative to service retirement benefits under the New Hampshire Retirement System. This bill merely rewords sub-paragraph of service retirement benefits by deleting the words "in service" from group one members in regard to retirement. The teachers are now given 30 to 90 days to apply prior to retirement and they must get their work done while in service. It was testified in hearing that now and then a teacher might be on vacation and technically not in service, and that was the reason for deleting those words.

Adopted. Referred to Finance.

RECESS

OUT OF RECESS

Sen. Porter moved that the rules of the Senate be so far suspended as to dispense with the public hearing, the report of the committee, and the committee referral be vacated and that SB 151, relative to the changing the commemoration of Memorial Day to the last Monday of May, be placed on second reading at the present time.

Sen. PORTER: Mr. President, SB 151 is a bill introduced by myself and Sen. McLaughlin. We are taking the unusual step of bringing it in in this manner, we've talked it over with the chairman of the committee. This bill provides for amending laws so that New Hampshire would celebrate Memorial Day in uniformity with the rest of the country. Recently, the legislature as you recall passed a law which changed the observance of Memorial Day to May 30, and Armistice Day or Veteran's Day to November 11. Federal holidays required that Memorial Day be celebrated on the Fourth Monday and Thursday, confusion has broken out all over the state as a result of this previous bill which we passed particularly in southern ends of the state. The chairman of the Ways and Means Committee has been very cordial and has listened to our pleas. However, he feels he would be unable to hold a hearing on this until next Tuesday. And at that point, it would be too late to resolve the situation and the confusion which is abounding around particular parts of the state particularly in the southern areas. The problem is that some of the banks involved, federal banks in Boston have different holidays. We have situations where some members of the same family are celebrating different holidays. The school are opened and closed in different parts. The parades are scheduled and not scheduled. Many of the companies, in fact, have scheduled many months or a year ago and the employees have selected in some cases the holiday to be observed on May 30. The change in holiday has caused a great deal of confusion. The editorials and papers that I have read I would like to share some of the various comments. For example, the Manchester Union Leader said the Secretary of State has been deluged with calls relative to the confusion created by this situation. The Nashua Telegraph conducted a widespread survey and found that 57 companies that polled their employees felt that this was or should be Monday. In fact many of the companies are going to observe Memorial Day on Monday. Sen. McLaughlin and I felt that we could resolve this chaos if perhaps the situation had been that this new obser-

vance of Memorial Day was delayed a year until 1974, in fact we may not have this type of confusion being created. But having it come so quickly without possible planning and so forth the situation has evolved such as we have today. Now most of you are probably well aware that Memorial Day was originally observed in 1866, on April 26, and this date was chosen not as a significant anniversary, but it was picked with the thought that flowers would be available to decorate the graves of the soldiers. The later date of May 30 was chosen to be uniform throughout the whole country. Due to the widespread interest and the widespread support Sen. McLaughlin has reintroduced this bill and we are hoping that the Senator will allow us to debate this issue again here. The previous bill had adequate public hearing and it was well attended. I understand, however, some of us did not recognize or realize the problems that might be created by its passing. And we feel that since it was aired and given public hearing that today all the Senators are well aware of the ramifications of the debate here today on this bill, SB 151. We urge your support for the suspension of rules. And hope you will either pass it today or kill it today.

Sen. LAMONTAGNE: Mr. President, I rise in opposition to the pending motion. Personally I feel that way back in the beginning of the year when this bill had been opposed and at that time it was SB 6, which then became SB 31 which passed this body and also went to the House and the Governor has already put his signature on this bill that it's now a law. I personally feel that this is not the first time New Hampshire has been the first and therefore, as it has been stated by Sen. Porter that we are about the only state in the nation. I still feel that New Hampshire is first and it is the law that we are supposed to celebrate Memorial Day on the thirtieth. Now I am sure that a lot of the people were aware that the Governor of our state also was in favor of having Memorial Day on May 30. Now this SB 31 was introduced by Sen. Sanborn, Sen. Downing and myself. We've had a hearing. We've listened to both sides of the story and still we came out and you people voted to adopt a committee of conference report and therefore making it a law that Memorial Day will be the 30. As far as I'm concerned, here's something that has been put on my desk and it says which Memorial Day? Well I think it is plain enough by the way the law has been enacted in this session that Memorial Day is to be celebrated on May 30. It's the law. I think when it was

changed that it was a big mistake. Instead of having one day of respect for those who have died in our country, that they have turned Memorial Day into a big holiday in reference to big sales and the stores at the same time people want to have a good time and take a long weekend. Now members of the Senate let me ask you, don't you feel that we owe one day of respect for people who have died in our land in this country? One day. And it's always been Memorial Day on May 30. And now that it is the law I ask you to defeat the motion to suspend the rules and, imagine now an important bill like this one to ask to suspend the rules without even going over and having another hearing.

Sen. SANBORN: I believe Senator, that you said in some of your opening remarks that this bill is entered to conform with the remaining states in the country. Is that true?

Sen. PORTER: The bill was brought back in to establish Memorial Day in New Hampshire so that we will be uniform with the other states.

Sen. SANBORN: Is it not true Sen. Porter that one state in the South never did change to the Federal regulation? And that twenty-two other states are now either passing legislation or have it in their legislatures to change to May 30?

Sen. PORTER: I'm not aware of that happening, my point was that New Hampshire was not in uniformity with the federal laws relative to the observance of Memorial Day.

Sen. SANBORN: You further stated if I remember right, that you thought it might be for this year only, that we would pass this so that it would alleviate some of the confusion. Where in this bill does it say that it's for one year?

Sen. PORTER: No, sir that's not what I said. At least not what I intended to say. I said that, had the bill been passed not having it take effect let's say for this year, then there would not have been the great deal of confusion existing because by next year, 1974, people could have built it into their schedule, the school systems, the work schedule and so forth could have properly taken into account this change in holiday. It would still have some business type problems if you will.

Sen. SANBORN: I must concur with my colleague from District One that I do not approve of this method of trying to

get this bill through. I think there must be something that the originators may be scared of in having a public hearing because they know that as demonstrated at the public hearing on SB 31 that the public itself, cognizant of the fact that the probable trouble this might cause, still the public at the hearing was manifestly in the majority of returning Memorial Day to the 30 of May, as set one hundred years ago. Therefore, I urge all Senators to vote this down and give this bill a proper hearing.

Sen. DOWNING: Mr. President, I rise in opposition to the pending motion to suspend the rules. I rise as Chairman of the Ways and Means Administrative Affairs committee. I feel that the committee has been quite diligent and patient to its job in calling out its responsibility to taking bills and scheduling and acting upon them. The only reason why this bill hasn't been heard to date, is that one of the sponsors contacted me and asked me about possibly bringing it in under the suspension of rules, I told the committee that if it weren't for that I would have scheduled it for next Tuesday. As it is now the Ways and Means Committee meets regularly on Tuesday. And the majority of the committee has said that they want a public hearing on this bill. I don't think the holiday is really the issue here. I think we have rules that provide for a bill that's being log-jammed in committee, to get it out. I don't think that's what is happening here. And I don't think that that shadow should be cast over the committee. However, relating to the holiday it's been somewhat distressing to see the publicity that this change in days has received since the holiday has been changed. For example, you heard one of the sponsors of the bill testify earlier to the fact that New Hampshire would be alone. We have a newspaper article here that was placed on our desk a short while ago, who still can't find the rationale of New Hampshire setting off on its own to change the world of politics. I read the same thing in other papers. Mostly in editorial columns. New Hampshire is not alone and it has been testified by Sen. Sanborn that there are many states that have observed this. Again we have some misinformation, we have a shadow being cast on the Senate, and we have the rumor that the Senate has not paid enough attention to the ramifications to this. This bill has had much careful consideration. Now I don't know how anybody can feel that that bill was rushed through this legislature. I don't know how anybody can feel that it wasn't given consideration. There was paper after paper that editorialized against

this bill before it was passed. So, everybody was quite familiar with everything that was going on. And if they didn't understand the ramifications of it they simply weren't paying attention or they didn't read the newspaper or they weren't even here. And I take issue with anyone who would say that the Senate did not understand what it was doing. The issue is the committee system. And whether you are going to allow a committee who is doing its job, in the manner that it's supposed to do it, or whether you are going to usurp the power of the committee and pull the bill out when it's certainly not been sat on and not allow it to go through its natural and normal process. This should have a committee hearing and all previous suspensions of the rules. It's been recommended by the committee where someone not associated with the committee is trying to pull a bill out when it's only been associated with the committee for three or four days. Now I urge you to defeat the motion and let the committee do its work.

Sen. PORTER: Senator the issue of course is not the debate on whether or not this is precedence by trying to pull a bill out of committee because back in Jan. SB 3 was in fact operated upon in exactly the same manner, relative to the exemption of the Cog Railway from the Air Pollution Standards. But the question I have to ask really is on Armistice Day, which again is not the issue. Will that in effect be celebrated on November 11 or will it be observed on November 12?

Sen. DOWNING: My understanding is that it's the 11th and the 12th. The eleventh is on a Sunday and the 12th is on a Monday. As far as the work day off it's the 12th.

Sen. PORTER: So, in other words, there will be two days observed for Armistice Day this year?

Sen. DOWNING: No, Senator I think it is usual for any holiday that falls on a Monday it certainly is traditional that it is celebrated, as far as labor is concerned on Monday. And that's no exception.

Sen. SPANOS: Mr. President, I listened to the debate without having made up my mind which way I was going to go, and I'm going to vote against the suspension of the rules. Not for the reasons given so much by the Chairman of the Ways and Means Committee relative to the sanctity of the committee system because in the past we have circumvented these commit-

tees when we felt in our wisdom that it was the right thing to do. Many times in the past sessions and this one time when Sen. Porter indicated, I'm struck by the idea presented by the Chairman of the Ways and Means Committee that we do in fact have a hearing on this measure and we had a debate on the floor of the Senate on the issue. And I believe that about the only person who articulated the position that is now being articulated by the proponents is Sen. Claveau. And we turned down his very astute observation of the problem that may arise. Now I don't know if the issue had not been that well presented then maybe we might have or say to ourselves, well we didn't hear it right — now we understand it. So I say we did have our debate, now we're going back to attempt to change that and what makes it even more significant is the fact that May 30 is the law, and if you're confused now it's going to be a greater confusion in the future because as I understand the Board of Education has already sent out its edict that May 30 shall be the day when kids are out of school. And I'm afraid we're going to further confuse the issue. So even though I had a significant change of heart myself, as to the merits of the measure and I think that if you were to suspend the rules I might vote the other way on the issue. I don't think that's the important thing. I think we had our day in court, we lost our case, now let it go to the people for their day.

Sen. TROWBRIDGE: Sen. Spanos, you're logic escapes me. If it were true that we had a hearing and went through all the ramifications of the hearing, and none of us heard the testimony that we are now hearing and all over the southern part of the state is, "heavens you shouldn't do this," how effective is a hearing? Why wait to have one?

Sen. SPANOS: There was a hearing on the bill and there was also a statement made on the floor by Sen. Claveau who presented the viewpoint that is being presented by the proponents there was a hearing downstairs on this bill and there was a viewpoint presented on this very issue so what we are doing again is just haggling it all over again. That's what I tried to convey to you.

Sen. TROWBRIDGE: Then if we had a hearing and if we heard it both ways why not suspend the rules?

Sen. SPANOS: Because we have lost the case. That's the

whole point. There was a debate on the issue. Now you're trying to bring it back and have another debate on the very same issue you had the first time. That's what I'm complaining about.

Sen. PORTER: Is there no way we could move to have reconsideration of that law?

Sen. SPANOS: That is correct.

Sen. BROWN: Mr. President, I rise in opposition to the motion. It's been mentioned here numerous times and there's been a lot of problems created in the southern part of the state because this bill had passed, and there's no district further south than mine. When SB 31 was introduced into the Senate I had many communications and many people in my district who were in favor of this bill. The bill, SB 31, passed. Since that time I have not had one communication in any way that says that there has been any confusion or problems due to the changing of the dates. Therefore I oppose the motion.

Sen. MCLAUGHLIN: I rise in support of SB 151. I don't think there is any intent here directly or indirectly to reflect upon the committee which I think is doing an excellent job in the Ways and Means, the only problem we have here is the fact of the time element. Today being the 8th of May and then have it go to the committee Tuesday and then having it go to the House thereafter it wouldn't really serve a purpose. We realize that ordinarily this should go to committee, however, we realize that a committee hearing and a public hearing was held that probably was improperly attended by certain people. We now find down in the southern part of New Hampshire particularly all the way across a tremendous amount of flack in regards to this. We find in our own area that the American Legion, and the VFW bands will not even participate on that date. The schools in Nashua even though directives have been put out by the State Board of Education, right now the Superintendent of Schools say they will be off on Monday. And whereupon the parade will be on Wednesday they will not be attending the parade. We find many industries down in Nashua and surrounding areas and as far as Keene will be off on Monday. We also think and refer to Sen. Lamontagne that for the going to the graves for loved ones, which is what this is all about, that our constituents have said that they'd like to go and visit their loved ones at the same time other people are coming from sur-

rounding states. But due to the confusion in dates some will not be able to visit these grave sites. I'll agree that this had its day in court and bypassed us. I'll be the first to admit, maybe we didn't put enough significance to it at the time; maybe the fact that Memorial Day was not as important as Veteran's Day being moved from October 23 back to November the 11. So I respect the position of the Chairman of the Ways and Means Committee and I'm sorry that we have to come out in this manner. I do hope you will support Sen. Porter.

RECESS

OUT OF RECESS

Sen. DOWNING: Sen. McLaughlin, you recognize that recently we had two national days of mourning in which the national banks and post office were closed? A lot of business went on as usual as well as the fact that annual Fast Day was celebrated in New Hampshire while everybody else was open and Patriot's Day that was celebrated in the south while everybody else was open really doesn't create conflict as to the survival of the people of New Hampshire?

Sen. MCLAUGHLIN: I don't think Fast Day or Patriot's Day really have any significance, sir. It's so down rated. Very few shops are closed because of that.

Sen. DOWNING: Is that what you would do with Memorial Day also?

Sen. MCLAUGHLIN: No, sir.

Sen. FOLEY: Mr. President, I just want to add a little to the confusion. I just called the Central Veteran's Council and they told me that the veterans of the city were going to celebrate on the 28th.

Sen. FERDINANDO: Is it possible to have it here any sooner so that we can avoid the issue of vacating this bill?

Sen. DOWNING: Well, Senator you could probably have a hearing but I have other committee assignments myself to morrow. You understand that consideration was given to suspending the rules, hopefully we would have done it last Thursday. The majority of the committee does not want to suspend the rules. They want to hold a hearing on this bill. And it was

too late at that time to put it into the Calendar for Tuesday, which is today.

Sen. FERDINANDO: But based on the testimony that was heard is it not possible to make an exception to have this?

Sen. DOWNING: I don't see how we can make exception without making exception to their other responsibilities.

Sen. FOLEY: Sen. Downing usually on Thursday we're away, and all committees don't have committee meetings on that day. Wouldn't it be possible with all the publicity that this is getting that we could have a hearing on Thursday and then be able to later vote under suspension?

Sen. DOWNING: Well as I said previously, anything is possible, it's just a matter of compromising something else. I know my day is planned.

Sen. CLAVEAU: I rise in support of the pending motion. I think the problem in the southern part of the state, like Hudson and Nashua is that many people work in Massachusetts and they don't appreciate the idea of being off on the day that their children are in school and vice-versa. They feel that the holiday should be on the same day. And I think there are a lot of people who feel that a long weekend is nice. To me it doesn't really matter what day as long as the respect is there.

Sen. SMITH: Sen. Downing, is it my understanding and am I correct that the original bill SB 31, that the effective date after that was 60 days after passage so that this Memorial Day would have been still continued on the 28th?

Sen. DOWNING: The bill as it was originally introduced in the Senate was to be effective sixty days after its passage. It passed in January with the full intent that Memorial Day 1973 would be celebrated on May 30. When it went into the House, the House amended it to make it effective in 1974. The Senate rejected that and asked for a Committee of Conference. The Conference Committee was appointed and the Conference Committee made it effective immediately on passage, which the Senate accepted.

Sen. LAMONTAGN: Sen. Downing was it the intent of the Committee of Conference to amend it to have it take effect

on its passage because the bill had been introduced way back in January?

Sen. DOWNING: I don't think there was any question about that.

PARLIAMENTARY INQUIRY

Sen. JACOBSON: As I understand what this motion will do it will suspend rule 22 is that correct?

The CHAIR: So far as I understand the motion Senator it will suspend all the rules of the Senate.

Roll Call requested by Sen. Lamontagne, seconded by Sen. Porter.

Yeas: Sens. Poulsen, S. Smith, Bradley, Jacobson, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Provost, Bossie, Foley.

Nays: Sens. Lamontagne, Gardner, Green, Spanos, Sanborn, Brown, Johnson, Downing and Preston.

Motion failed by necessary 2/3 vote.

HOUSE MESSAGES

HOUSE ADOPTION OF ENROLLED BILL AMENDMENT

HB 341, changing the date for distribution of sweepstakes funds.

AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

AN ACT

changing the date for distribution of sweepstakes funds and
eliminating the distribution of said funds to
non-public schools.

Adopted.

HOUSE ADOPTION OF JOINT RULES

The House of Representatives has voted to adopt the recommendation of the Committee of Conference on Joint Rules.

COMMUNICATIONS

Dear Senator Nixon:

May 3, 1973

Would you be so kind as to convey to the Senate my deep appreciation for the lovely flowers they sent to me when I was in the hospital.

They were, without exception, the most beautiful arrangement I have ever seen and were a great pleasure and joy, and as luck would have it, they just happened to arrive on my 25th wedding anniversary.

My Sincere thanks,

Lois White

Sen. FOLEY: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until tomorrow at 1:00 p.m. and we adjourn in honor of David Bradley and Harry Spanos whose birthdays are today and in honor of the late Harry S. Truman whose birthday is also today.

Adopted.

LATE SESSION

Third reading and final passage

HB 246, relative to reimbursement of certain towns for district court sessions held within such towns.

HB 428, relative to certain relatives' responsibility in medical assistance cases.

SB 117, establishing a minimum penalty for driving without a license.

Adopted.

Sen. Ferdinando moved the Senate adjourn at 3:15 p.m.

Wednesday, 9May73

The Senate met at 1:00 p.m. with Vice President Spanos in the Chair.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God, who has brought us out of darkness into light.

Help us to see clearly the goals and objectives which are expected of us to attain.

May we so perform the same as we go forward in Thy Holy Name. Amen.

Pledge of Allegiance was led by Sen. Johnson.

(Senator Poulsen in the Chair)

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 175, relative to raising the limit on state agencies field purchases from fifty to one hundred dollars. (Smith of Dist. 3 — To Finance.)

SB 176, relative to the use of the word organic and the certification of organic farm produce. (Bradley of Dist. 5 — To Resources and Environmental Control.)

SB 177, providing a method to amend city charters by a people's initiative petition. (Green of Dist. 6 — To Executive Departments, Municipal and County Governments.)

SB 178, regulating business practices between motor vehicle manufacturers, distributors and dealers. (Poulsen of Dist. 2 — To Public Works and Transportation.)

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses. (Provost of Dist. 18 — To Ways and Means.)

SB 180, requiring the bonding of new and used car dealers. (Downing of Dist. 22 — To Public Works and Transportation.)

SB 181, relative to participation in a New England power pool. (Ferdinando of Dist. 16 — To Interstate Cooperation.)

SB 182, providing for seven appointed members to the Manchester Airport Authority. (Bossie of Dist. 20 — To Manchester Delegation.)

SB 183, establishing a limit on the issuance of greyhound racing licenses to within forty miles of existing greyhound tracks. (Brown of Dist. 19 — To Ways and Means.)

SB 184, establishing qualification standards for the licensing of individuals doing electrical installations. (Sanborn of Dist. 17 — To Ways and Means and Administrative Affairs.)

SB 185, to require prompt payment of automobile and fire insurance claims. (Lamontagne of Dist. 1 — To Banks, Insurance and Claims.)

SB 186, providing for minimum standards for health insurance contracts and providing for the approval of life, health and accident insurance forms and rates by insurance commissioner. (Lamontagne of Dist. 1 — To Banks, Insurance and Claims.)

SB 187, clarifying the authority of county conventions to set salaries. (Jacobson of Dist. 7 — To Executive Departments, Municipal and County Governments.)

SB 188, providing for greater consumer control over Blue Cross and Blue Shield and their contracts with providers of health care. (Lamontagne of Dist. 1 — To Banks, Insurance and Claims.)

HOUSE MESSAGES INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HJR 8, appropriating funds to the Water Resources Board for an erosion control project in Charlestown. Public Works and Transportation.

HJR 11, appropriating funds to the New Hampshire American Revolution Bicentennial Commission. Finance.

HJR 25, relative to an appropriation for Murphy House

at the Laconia state school and training center. Public Health and State Institutions.

HB 532, providing a definition for terms of appointment and designating certain exceptions. Executive Departments.

HB 485, prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars. Executive Departments.

HB 668, authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station. Public Works and Transportation.

HB 748, relative to the definition of accidents for the rating of insurance policies. Banks, Insurance and Claims.

HB 801, relative to expenses of county investigatory committees. Executive Departments.

HOUSE NONCONCURRENCE

SJR 3, making an appropriation for funds to pay actuary costs to determine the contribution required of the state to include in the state retirement plan.

HOUSE CONCURRENCE

HB 353, requiring registration of halfway houses.

Introduction of Richard Flynn, Commissioner of Safety.

Comm. Flynn: Mr. President, Mr. Vice President and members of the Senate, thank you for the opportunity to meet with you today and discuss the Department of Safety.

The Department of Safety was established in 1961, under RSA 106 and is presently composed of the Division of Motor Vehicles, Division of Safety Services, and the Division of State Police.

The purpose of creating the Department of Safety was to improve the administrattoin of state government by providing unified direction of related functions in the field of public safety, single highway patrol, consolidation of criminal enforcement functions in the Division of State Police, and making possible

increased economy and efficiency from the integrated administration and operation of safety function of the State of New Hampshire.

The executive direction of the Department has been my responsibility since my appointment as Commissioner on January 21, 1972.

Our estimated revenue for FY '73 is in excess of \$55,000,000 with expenditures of approximately \$7,000,000.

All mail, warehousing equipment, purchasing & receiving comes under the Business Office which is supervised by the Assistant Commissioner of Safety.

The Division of Motor Vehicles has 9 major functional units which are the registration of motor vehicles, motorcycles, snow traveling vehicles, licensing of motor vehicle operators, vehicle inspection programs, licensing and control of driver training schools, titling of motor vehicles, licensing of automobile dealers, administration of the financial responsibility law, road toll laws, inspections of school buses, licensing of bus operators, hearings on license and registration suspensions, and other related units.

The driver license portion consists of 43 employees, 24 of whom are on the road daily throughout the state giving eye, written, and road tests for both original licenses and license renewals.

July 1, 1972, was the inception of New Hampshire's photo-licensing program which provides a more positive means of identifying a licensee and gives the Division the opportunity to view those applying for licenses and renewals every four years. All drivers will be given a visual examination by the licensing officers with road and eye tests given when necessary. We have over 1½ million licensed operators in New Hampshire.

The Motor Vehicle registration unit within the Division issued over 550,000 registrations last year. We utilize key locations throughout the state to accommodate the public in its rush period, in addition to the 7 substations which operate year round. At the present time we have put all registrations on computer which yearly prints out renewal forms that are delivered to town and city clerks to enable them to process regis-

trations accurately and quickly. Registration increases have been about 30,000 a year, income estimated near 171½ million.

We are planning the issuance of a 5-year plate, which expires on the registrant's date of birth and will allow our Department to deal with the increased population and still minimize our operational costs.

Motor Vehicle inspection at the present time, has over 1700 authorized inspection stations which have been appointed and approved by the Division of Motor Vehicles for the purpose of inspecting motor vehicles. Last year over 1 million inspections were conducted by these stations. Constant attention is necessary to assure that stations are familiar with and comply with the laws and regulations. Consumer complaints from vehicle owners are increasing and must be investigated by our Safety Inspectors. We also conducted a total of 12,000 school bus inspections in 1972 to assure that regulated standards established for transportation of school children were met. Of this total, nearly 800 buses were rejected until necessary corrections were made.

The Motor Vehicle Investigators conduct checks throughout the State on vehicles over-weight, over-length, and to assure that vehicles in an unsafe condition are removed from the highway. Along with State Police, these investigators have recently opened daily the 2 weight stations which were previously only open 2 or 3 times annually.

Title Bureau — The Bureau of Title and Anti-Theft was established in 1968 and to this date has received and processed more than 600,000 title applications. They have assisted in the recovery of 255 stolen motor vehicles and have assisted hundreds in determining the vehicles purchased were not stolen.

The Financial Responsibility section consists of driver records, hearings, and accident records. We receive and process all motor vehicle court records and maintain master files on about 110,000 drivers. The Hearing unit handles enforcement of motorist, school bus, dealer, and inspection station complaints. Our accident record section receives and processes approximately 50,000 accident reports annually and is responsible for tabulating, evaluating, and coding of reportable accidents.

The Driver Education section is responsible for the initial

plate section and in conjunction with the New Hampshire Department of Education, supervises the secondary school driver education programs and Motor Vehicle Drivers' Schools. It is estimated that 8600 students will complete driver education courses in secondary schools and an additional 6400 in Motor Vehicle Drivers' Schools, for a total of 15,000 this year. It is estimated that 39,000 initial plates will be issued this year. Eighty-five secondary schools have received financial assistance from this program.

The Road Toll Administration section is charged with the responsibility of collecting the State tax on gasoline and other motor vehicles, as well as fees and charges authorized by the Motor Vehicle Road Toll Law. It is estimated 370 audits will be conducted this year, 86,000 permits and licenses issued. It is also estimated that our revenue from the section will be approximately \$37,000,000.

You have heard from the Colonel on the State Police, so I will be brief —

The Division of State Police is divided into 3 sections: Traffic Bureau, Detective Bureau, and Communications. The Traffic Bureau represents the patrol section of State Police with general headquarters located in Concord and 7 troop headquarters located throughout the State. It is estimated that their patrol mileage will be about $4\frac{1}{2}$ million miles this year, will issue approximately 27,000 summons for motor vehicle violations and issue 20,000 warnings, will make about 1,800 criminal arrests, will spend about 13,000 man hours in training. Included in this unit is the Crowd Control Tactical Unit, the Canine Corps., Bomb and Disposal Unit, and training of all law enforcement officers. In addition, a special trained unit of 11 which are completely funded federally by the Alcohol Safety Action Project devotes its entire effort to identifying and apprehending drunken drivers. Our primary concern in the Traffic Bureau is to increase our patrols which will allow 24-hour coverage on all Interstate roads.

The Detective Bureau is primarily the criminal and drug investigation section of the State Police. Investigation on crimes that come to the attention of the State Police and assist on requests for any Federal, State, County, or local law enforcement agency by support personnel in the investigator, crime laboratory and technical service fields.

The Communications section provides engineering, maintenance and installation of communication equipment for all state agencies and many local and county police agencies. It is maintaining at the present time 2700 pieces of communication equipment for these agencies.

The Off Highway Vehicle Safety Unit which consists of the snow traveling vehicle registration and operation which is administered by the Office of the Commissioner is authorized to adopt and amend rules and regulations in safety equipment, registrations, and the safety of operators, passengers, and other persons and also for the protection of property. It is estimated that we will register approximately 48,000 vehicles next year. Over 200 dealers throughout the state register these vehicles.

The Division of Safety Services has 3 units: The Fire Marshal's Office, Aerial Lift Safety, and Water Craft Safety. In the office of the State Fire Marshal, they are responsible for supervising and enforcing all laws of the state relative to the protection of life and property from fire and fire hazards, enforcing the laws of the state relative to storage, handling and transportation of explosives. They shall also assist county, city, and town agencies in supervising and enforcing laws and ordinances relative to prevention of fires, storage of combustibles and explosives, installation and maintenance of fire alarms, construction, maintenance, and regulation of fire escapes, exits from factories, hotels, hospitals, churches, schools, nursing homes, and all other places in which numbers of persons work, live, or congregate, the investigation of cost and circumstances of fires. Last year they were called on to investigate 250 suspicious fires and inspect 1152 public buildings. The present staff consists of the Fire Marshal, the Deputy Fire Marshal, and 2 fire investigators. Additional people are needed in this Division in order to inspect these buildings and properly investigate suspicious fires.

The aerial lift safety unit is charged with the inspection of approximately 223 various types of ski lifts. It also requires testing and approving the equipment and structures while being constructed.

The Marine Division is charged with the responsibility of enforcing all laws and regulations relative to the operation of boats on the inland waters of the state. They also maintain buoys, markers, lights, and other navigational aids in protecting boaters in the waters of the state. At the present time 258

lakes are patrolled. During the summer months we have approximately 75 patrolmen patrolling these lakes. Presently, the state has 23 boats and leases 32. There were 46,500 boats registered last year with income at \$200,000. Currently there is a bill in the House to add \$2.00 on each outboard motor and \$4.00 for each inboard motor. With these fees, the Marine Division could be fully funded by its income and there would be no need for highway funds.

There is presently another bill in the House to make the Marine Division responsible for investigating boating accidents and drownings so that we may better be able to determine the causes in hopes of future reductions.

Our greatest need in the Department of Safety is additional space to house our personnel and equipment and allow us to consolidate all of our Divisions. Presently we have our Division of Safety Services, Road Toll Administration, and warehouses located at other locations which results in additional costs, messenger services, supplies, equipment, and duplication of administrative services. With the new building we will be better able to serve the public and operate in a more efficient manner. Currently we are over-crowded and invite you to come and view our conditions.

The total number of employees in the Department of Safety is 536. (423 Permanent; 113 Temp.)

Thank you for this opportunity to address you, and I would like to answer any questions you may have about our Department.

Sen. TROWBRIDGE: Commissioner, I'd like to ask you about something that came up today in Finance Committee. We were assessing the Federal Data Processing Budget in which they said that all funds for the Trace program as it relates to CDP, the processing side of Trace had been eliminated on the theory that it should be picked up by the Department of Safety. Are you planning to fund the Trace Program?

Comm. Flynn: We have discussed this with the Appropriations Committee; there were questions that they felt were unanswered. The figures that were received from the Governor's Crime Commission and from CDP they found were inadequate and I was left to understand last Friday that the complete figures were supposed to be gotten to them and to this date I

haven't seen the figures. I have talked with the Crime Commission about this. They would like to see this program continued, because Trace in itself is only the base and there's a lot more to be built onto this program. And the cost is of course, always much greater at the base, while others fall on top of it.

Sen. TROWBRIDGE: So, there is a chance that you and the Crime Commissioner or someone will be coming in with a resolution so this won't just fall administratively between the cracks?

Comm. Flynn: We hope to bring it in before the Senate.

Sen. CLAVEAU: Commissioner, you stated that your department checked trucks for overweight? How about unauthorized motor carriers who come to this state, and do not have a certificate from the Department of Public Utilities?

Comm. Flynn: We are checking them at the present time when they stop at our weighing stations. They are being checked for everything. This is not only their weight, but safety equipment etc. We are also starting roving teams throughout the state to enforce our overweight and diesel permit laws.

Sen. JOHNSON: Commissioner, have you been able to come up with anything pertaining to objectionable noises such as motorcycles and vehicles like that?

Comm. Flynn: Senator, it is a problem in the purchasing of the equipment to measure this. But I think it was Sen. Porter with whom I discussed this with back some time ago, that we haven't done anything at the Department of Safety as yet on this.

Sen. SANBORN: How do you feel about the bill on reflectorized plates?

Comm. Flynn: I don't mind answering this. I am not opposed to reflectorized plates in that I think that there is some good and some safety to this. I think one of the greatest problems with them is that there is only one company that is manufacturing materials. And hopefully as I stated a few minutes ago that we will probably be seeing a five year plate in a couple of years.

Sen. DOWNING: Commissioner, we had a bill in to increase the width of trucks. The Department of Public Works

and the AAA etc. were opposed to the widening of trucks. A representative of the Motor Vehicle Department was there to support it. He seemed a little lonesome. This bill was in another session and was defeated and it was voted inexpedient this session. Now the justification was supposedly that the Department of Public Works already is using motor vehicles in violation of the law. Some are 98 inches and are supposed to be 96 inches. And that the Motor Vehicle Department can't police this. And it just seems a little peculiar that there can't be better control than that. Now in view of the fact that the Senate has rejected the increase in size and the U.S. Congress has repeatedly rejected it, what will the position of the Motor Vehicle Department be now?

Comm. Flynn: The Department of Safety when it was founded we turned all the enforcement to the State Police. We felt in past years there hasn't been really enough enforcement in the Motor Vehicle violations. We've opened up these weighing stations. We'll see enforcement by the State Police increase on all Motor Vehicle violations.

Sen. DOWNING: Will you expect in view of the recent actions by the Senate that the Department might start with the Public Works Department and their vehicles?

Comm. Flynn: I suppose these vehicles are included.

Sen. SMITH: To go back to the issue of reflective plates, you may have noticed the Journal, that I have seen from voting on that bill due to the fact of conflict of interests and you are also aware I hope that this conflict of interest did not arise from any experience of making the plates?

Sen. LAMONTAGNE: Commissioner, in reference to the question asked by Sen. Downing, in regards to width, isn't it so that SB 17 which was on width has been defeated? That right now with the present laws that we have on the statutes is complicated and therefore impossible to enforce? Because there is in the law 102 inches allowed sideways. There is also 102 inches for low pressure tires? And therefore, how can the law be enforced?

Comm. Flynn: I understand this Senator, but I feel that the law could be enforced.

Sen. LAMONTAGNE: Commissioner, then does that mean that the fire trucks will have to be 96 inches too?

Comm. Flynn: I'll have to do some research on this before I can answer you, Senator.

Sen. CLAVEAU: Commissioner, a lot of people are concerned about bicycles on the highway. I'm supporting a bill that says that they should follow the same rules as a motor vehicle. What are your thoughts on this matter?

Comm. Flynn: I agree. Coming from a city police department we had a considerable amount of problems with bicycles and it's getting worse. And I feel that bicycles should travel the same direction as automobiles.

(Sen. Spanos in Chair)

COMMITTEE REPORTS

SJR 8

relative to retirement credit for May S. Downey. Ought to pass. Sen. Green for the Committee.

Sen. GREEN: SJR 8 is a bill that would allow Mary S. Downey a retirement credit for teaching from 1929 to 1940. She returned to teaching in 1961 having covered all the subsequent service under the Teacher's retirement system in effect since 1950. She may have to make certain payments to be determined by an actuary. This bill will allow Mary S. Downey to gain those years in which she was active as a result of paying into the present retirement system which was not in effect in those years, thus allowing her more years for her credit for the time.

Adopted. Referred to Finance.

SB 87

providing state grants to assist the school staff development programs and making an appropriation therefor. Ought to pass with amendment. Sen. Green for the Committee.

AMENDMENT

Amend RSA 189:54 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

189:54 Distribution. The state board of education is authorized to promulgate a program setting forth standards for staff development, and as long as the program of the super-

visory union or district meets the established standards, ninety percent of the funds appropriated for this purpose shall be distributed to the local school districts or supervisory unions to pay a portion of the cost.

Sen. GREEN: SB 87 is a bill that will provide state grants, to share in the cost, to supervisory unions and school districts of the state for staff development and training. For this purpose, guidelines are set up. There are \$43,000 appropriated for each fiscal year involved. 1974 and 1975. We did add an amendment which was in your Calendar on page 63. That amendment makes it very clear as to the fact that 90% of all of these funds made available by the state will go directly to the school districts. I would like to further say that as of this point it is mandatory for all local school districts as regulated by the State Board of Education to maintain an inservice, at the local level, training program for teachers, as another route for recertification of personnel. This particular bill shows the intent of support by the legislature by a minimal amount of financial support.

Amendment Adopted. Referred to Finance.

HB 479

relative to the time of installation of town officials. Inexpedient to legislate. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 479 is relative to time of installation of town officials. Your committee considered that there doesn't seem to be any problem now and that advancing the date of taking office would create problems with tax inventory form matters. This has been found to be inexpedient to legislate.

Adopted.

HB 114

prohibiting persons from seeking or holding the position as a member of the general court and county commissioner at the same time. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill would prohibit anyone from holding the office of County Commissioner and being a member of the legislature at the same time. The committee reports that there's been no harm done by the holding

of these two offices, in fact, it's often an advantage. We think we have a case in Grafton County where the county commissioner has been a member of the legislature for a long time. I think personally that this is in the nature of a spite bill to move someone off. And we are entirely opposed to the thrust of the bill.

Sen. BOSSIE: Sen. Poulsen, at the hearing would you tell how many people opposed this bill and what the general comments were?

Sen. POULSEN: I don't recall that there was any great testimony in favor of the bill but I don't think there was very strong testimony either way.

Sen. JACOBSON: Sen. Bossie, there were about an equal number in opposition as to being in favor of the bill. There were members of the House both in favor.

Sen. Trowbridge moved that the words Ought to Pass be substituted for the words inexpedient to legislate.

Sen. TROWBRIDGE: I don't mean to unduly go at this but I have known for many years that people have resisted this bill because of Kenneth Bell who I sat next to in the House for two terms and who was a great friend. I don't think that Representative Bell has ever really argued too much against this legislation because he is such a wonderful person. I do feel strongly, however, that we talk an awful lot in our discussions here about the separations of power. The county commissioner is the executive branch and the House of Representatives is the legislative branch of county government. We would hardly ever vote for a bill that would allow the Governor to be a member of the legislature. So that you could not be a State Senator and be Governor. Yet in the situation of County Government we have allowed this to happen. I don't think it's right. I think to have a person who is on the executive committee of the county who is also the county commissioner, who will be voting on his own budgets, and voting on his own salary is a conflict of interest and therefore HB 479 made it quite clear that anyone who now held office could continue to hold office throughout his term so there's no spite as to anyone there. And then if say Mr. Bell wanted to come back they'd have to choose. Hence, I really do hope that we could practice what we preach when we talk about executive-legislative separation.

Sen. Jacobson moved that HB 114 be indefinitely postponed.

Sen. JACOBSON: We gave this bill very careful consideration and our consideration was that the conflict of interest that exists between being a county commissioner and a representative was relatively minimal. Furthermore there are existing conflicts within the state legislature that are far more serious in many ways than this conflict. Furthermore the committee felt that the solution to this problem was to ultimately separate the two offices. And I have been working on legislation to do this and Sen. Bradley yesterday informed that he is working on legislation to do this. So that it will then be a matter of public choice with respect for running for these offices. I am sure that 90% of the people who vote for a member of the House of Representatives do not know that they are voting for a county convention delegate. And if there is a problem then the problem is in the separation of the officer. And I think this is the area where we should have the debate take place. Not in the area of conflict because the committee found that the conflict was relatively minimal and especially compared with the potential conflict of all kinds of people within the legislature. I just heard a discussion on the radio yesterday morning where the issue was the question of conflict with these people who were not members of the legislature, said that conflict exists in almost every nook and cranny. But if there is a problem there it should come in the separation of the offices and not in this manner.

Sen. SMITH: Under your proposed legislation, Senator, would it then become a conflict to be both a county commissioner and a delegate to the convention?

Sen. JACOBSON: It would be a conflict.

Sen. SMITH: It would not be a conflict to be a member of the legislature?

Sen. JACOBSON: No.

Sen. TROWBRIDGE: You say you want to or you plan something whereby the public will know that the person whose running for county commissioner can't also be a member of the convention?

Sen. JACOBSON: No, Senator. My bill would make a separation so that the public would know who is a delegate to the

county convention as distinct from being a member of the House of Representatives.

Sen. TROWBRIDGE: Could you elaborate a little more?

Sen. JACOBSON: What this would do is to make it perfectly clear to the public, that Mr. X is running for county convention delegate. Now if he ran for county convention delegate he could not run for county commissioner. They would be mutually exclusive offices. That would be the same as running for the legislature and running for Governor as you indicated.

Sen. TROWBRIDGE: How can you do that without having a bill like that making it a conflict?

Sen. JACOBSON: Very simply just write another bill.

Sen. TROWBRIDGE: What's wrong with this bill? HB 114 does it right there.

Sen. JACOBSON: No, what you would do is exclude a county commissioner from being a representative, that's what 114 does. My bill would simply exclude him from being a member of the convention. If he wanted to run for the House he could.

Sen. TROWBRIDGE: At that point Sen. Jacobson you would have to disenfranchise his township for the county convention. Not being on the county convention he could represent his town. I don't think you can do it.

Sen. JACOBSON: No that's not correct. Because somebody else would be running for county convention delegate. It would be no disenfranchisement at all.

Sen. LAMONTAGNE: Will the members of the General Court be excluded from this convention?

Sen. JACOBSON: Only by reason of failure to be elected.

Sen. LAMONTAGNE: So in other words members of the General Court will be able to file?

Sen. JACOBSON: They would be able to file for that office in the same way that they would file for selectman, or alderman or any number of offices.

Sen. LAMONTAGNE: So in other words, just the County

Commissioners would not be able to be delegates to the convention?

Sen. JACOBSON: That's right.

Sen. SMITH: To carry the reasoning why this is inexpedient to legislate would be almost parallel if you have a bill which made it illegal for a selectman to run for the legislature.

Sen. JACOBSON: There is no reason why the logic of this bill could not be extended to the fact of a selectman, town clerk, town treasurer, or moderator.

Sen. SANBORN: In other words, your bill creates a new office on the ballot?

Sen. JACOBSON: That's right.

Sen. LAMONTAGNE: Mr. President, members of the Senate, I rise in favor of the motion to indefinitely postpone. I personally feel that it's just taking county commissioners and it's certainly not right. Now we've had here for the twenty years that I've been in this Senate, I have seen cities represented by mayors and when I was mayor, I was at the same time a senator and I really believe that this was a benefit to the people that I represented as far as the City of Berlin. Now I know that this is not in the bill. That we are only talking about county commissioners but again I don't see any harm in it whatsoever. And if you are going to go to county commissioners then I think you'll have to go a lot further. One thing that I'd like to say is that it has been mentioned that you cannot be a Senator and also a Governor. But a Senator and a Governor is representing his state, but a county commissioner is representing a county and not all the states. So there is a difference.

Sen. GREEN: Senator, I'm having a hard time following the logic of this prospect here. The question is, do you see that a person getting elected to a position at the town or city level as being the same as the person getting elected at the county level in terms of being a member of the House? You're also part of the county delegation how should a city or town official relate?

Sen. JACOBSON: Well, Senator, that is exactly the problem. The only pertinent piece of evidence that was offered with respect to this bill was the fact that a man could be a member of the House and therefore a member of the county convention

and also be a county commissioner. Now this relates to let's say one tenth or maybe one twentieth of his responsibility as a representative compared to other representatives. Therefore the solution to the problem is to eliminate it from the county convention. And not from the legislature.

Sen. GREEN: Then are you saying in essence that based on what you are proposing that as a member of the House of Representatives, that you would no longer be a county delegate in terms of approving budgets for accounting operations?

Sen. JACOBSON: I say that the way to approach this is to remove the county commissioner from participation in the county convention. What this bill does it not only removes him from the convention but it removes him from the legislature and if that be accomplished because he holds another office, then we have to deal with everybody else who is trustee of trust funds.

Sen. GREEN: Does this bill in essence remove the county commissioner from the House?

Sen. JACOBSON: Yes.

Sen. GREEN: Is not the intent of this to have the person involved in the situation make a choice rather than be removed?

Sen. JACOBSON: Oh, yes. In other words he must choose to become commissioner or a member of the General Court. I would argue the same then that the selectmen are officers but I mentioned town and city officers.

Sen. GREEN: Is it not different for these other officers that you cited? Where they do not in essence effect appropriations of money for that body which is now in discussion with the county, would they not be quite different in terms of conflict?

Sen. JACOBSON: Well, Senator, every selectmen and every town official who is a member of the legislature and I'm one as such and you are one as such have the potentiality of conflict when it comes to appropriation let's say on the subject that Sen. Trowbridge mentioned.

Sen. SMITH: Mr. President, I rise in support of the pending motion. I support the argument as brought forth by Sen. Jacobson. It seems to me that this perennial bill and problem,

the wrong approach and the wrong tact has been taken to eliminate county commissioners from serving in the legislature. I think Sen. Jacobson is much more to the point and that his proposed legislation which would in effect give other people opportunity to serve their county. Over the years having been a member of the county delegation in my county there are many times when legislators find that there is a conflict that they cannot make delegation meetings and that is an imposition.

Some members of the legislature are not particularly concerned as to the operation of county government. Yet there are many people throughout the state who are deeply concerned with the services and the problems of county government. By this proposed legislation which Sen. Jacobson is talking about it would give those people the opportunity to serve as members of the county delegation rather than having members of the legislature necessarily serve. Even though under the bill there would be no conflict between a legislator serving and a member of the county delegation or of somebody else serving. But it would take away a very minor conflict. I hope that the Senate will vote for indefinite postponement.

Sen. DOWNING: Senator, you mentioned that this is a perennial bill. And don't you feel that rather than waiting for legislation that may develop and may get this far and may proceed through the legislation; that we have a bill here that's halfway home and we could pass it here in this body? Doesn't it make more sense that we address ourselves immediately to this problem?

Sen. SMITH: No, there are a lot of bills that are halfway home and that I hope never make it. I don't think that this is a personality thing at all. As I understand, Sen. Jacobson and Sen. Bradley are both working on legislation which would resolve this problem and would resolve it in a way which would be equitable to all concerned. I don't think that this bill would make it illegal for a county commissioner to be a member of the legislature. It's the thing which resolves the problem. The problem is the delegation versus county commissioner. It's not county delegation versus legislature.

Sen. DOWNING: Senator, would you agree that where conflict does exist that it's easy to take care of conflicts, eliminate them one at a time than to do them in masses?

Sen. SMITH: I suppose you can kill a patient and the disease is no longer a problem. But that's what I think this bill does.

Sen. BRADLEY: I rise in opposition to the motion to indefinitely postpone. I think that this is a good bill, both Sen. Jacobson's bill and mine would solve this problem in another way; mine would go one step further and establish a county council who would in turn appoint a manager. The manager would replace the 3 commissioners. They would be directly elected as in the case of Sen. Jacobson. However, it seems to me the point and it seems to be to be the real point of Sen. Downing's question is that if Sen. Jacobson's bill and mine get favorable treatment we can deal with the problem that would then be created. I think we should pass this bill now and if we favorably act on Sen. Jacobson's bill we could say in his bill notwithstanding the provisions of 114, it will not prevent someone from serving as commissioner and member of the House as long as he doesn't serve as a county convention delegate. But it seems to me that we can't avoid taking correct action on this in the face of what may happen later, particularly, when we can take care of the problem later on.

Sen. SMITH: Do you see the place of conflict between the office of county commissioner and state legislator? Or do you find the conflict between the office of member of the delegation and county commissioner?

Sen. BRADLEY: The latter.

Sen. SMITH: Would not the other bill that Sen. Jacobson talked about or your bill resolve this problem whereas what this bill does in effect is limit the individual's rights to run for the office of county commissioner and at the same time for the legislature?

Sen. BRADLEY: Yes. The point I was trying to make is that if we pass this bill and then come to Sen. Jacobson's bill and feel that we ought to pass that, then we should in effect amend this bill so it doesn't prohibit anything except serving as a county convention delegate and county commissioner.

Sen. SMITH: Would you think that there was a conflict in a Senator serving as a county commissioner?

Sen. BRADLEY: No. Not as to prohibit it. And that's what

we're concerned with here. It seems to me that we realize that we all have many minor potential conflicts but it's only when they rise to a certain level that we feel we ought to prohibit them by statute. And it seems to me that here we have something fairly distinct and identifiable. It rises higher than the average conflicts that we've been talking about. We've got the problem of people on the county convention sitting in judgment on the salary that they ought to have as commissioners.

Sen. BOSSIE: Sen. Smith, is it not true that one who is a county commissioner and is at the same time a representative and is therefore automatically a member of the county convention, would he not be in the position of drawing up a budget for the county and at the same time he can go over the meeting where the budget is going to be adopted?

Sen. SMITH: This is true, but my contention is that this bill does more damage by limiting someone from holding office than it does good by separating this minor conflict. The solution to the problem is not to pass this legislation, but to have legislation which you separate the office of delegate to that of member of the legislature.

Sen. BOSSIE: Sen. Smith, you will agree then that there is a problem the way the law exists?

Sen. SMITH: I don't think there is a problem, but a potential.

Sen. PROVOST: Sen. Smith, you are saying that there will be other legislation coming along and what possible use is there for passing HB 114? Would it not serve as a fairly good proof to those who are interested in revising the county delegation?

Sen. SMITH: I have always adopted the philosophy that it's better to use a carrot than a stick.

Division: Yeas 13, Nays 8.

Adopted.

HB 153

increasing the term of office of the county treasurers, registers of deeds and the registers of probate. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President and members of the Sen-

ate, HB 153 is a bill to increase the terminal offices, for the county treasurers, register of deeds and register of probate. It was felt by the majority of the committee that if the offices were to be extended to four years that we should hear some testimony from representatives from these three groups. Representative Hamel stated that he entered this bill without any consultation with any of the above. We also felt and it was given considerable discussion that this should be extended to all of the county officers or none. There was no testimony to justify singling out any of these three officers.

Sen. S. Smith moved that the words ought to pass be substituted for the words inexpedient to legislate.

Sen. SMITH: I rise in support of the bill. I know that this is a can of worms. But I however, believe strongly, that the offices of county treasurer and register of deeds, and register of probate are offices which are basically management oriented. These are three of the majority management policy making offices within county government. And for that reason and for a continuity of the strength within these various departments I believe strongly that we should have a four year term to give these people the opportunity to function. I think we are prepared in this state to adopt a law which would allow for a four year term for these particular offices.

Sen. JACOBSON: I think that the committee on Executive Departments, Municipal and County Governments feels like a Fish and Game committee today. Senator you have made a very interesting declamation. It confused me somewhat. That you made a differential between county commissioner and the other offices. Did you intend to mean that the county commissioner is not an administrative position?

Sen. SMITH: No. I think it is both administrative and it is also a policy developing type office which has broad effect throughout county government as does the delegation. But I think the offices concerned in this bill are more management directed.

Sen. JACOBSON: Your answer seems to indicate that policymaking was short term and management was long term. Is that what you are saying?

Sen. SMITH: That is not correct. I think my statement would indicate that because if it is a policy decision that these

offices should be accountable and need to be more accountable to the people who are served.

Sen. JACOBSON: There are other offices such as county attorney, and sheriff would you say that they also are policy-making organizations or are they administrative organization?

Sen. SMITH: I think that with sheriffs and county attorneys that there is a great deal of policy in their approach to the job. Particularly in the sheriff's department in that it is a police function and a police function I feel, is more closely accountable to the people. In the office of county attorney the policies of the county attorney are basically administrative in the judicial sense, but they are also a policy in the sense that politics, the pressing of cases can occur and therefore should be more closely watched.

Sen. JACOBSON: Could you define for me your meaning of the word policy?

Sen. SMITH: Probably not to anyone's satisfaction. My concept of this is the county commissioner for example will develop policy as to the operation of the nursing home, to the operation of the county jail or house of correction. Or as to any of the other county functions which probably have greater long range effect and have more minute to minute concern of the people of the county. Whereas the other offices are rather administrative in administering deed, wills etc.

Sen. JACOBSON: By your definition I'm very confused between administration and policy. As the selectman of New London I just received from the registrar of deeds of Merrimack county the establishment of a policy whereby they would no longer send out the transfer cards but they would send out xeroxed copies of warrant deeds. Is that administration or policy?

Sen. SMITH: It's minor policy.

Sen. JACOBSON: You would then be opposed to universalizing it in one way or the other in terms of offices for county commission?

Sen. SMITH: Yes. And I would say that we as legislators and we as people living in this country are experimenting with government constantly. And I think that this is an experiment which is long overdue in New Hampshire.

Sen. Jacobson moved that HB 153 be indefinitely postponed.

Sen. JACOBSON: The principal consideration of the committee was that the offices of the county should be universal either four years or two years, and the committee could not get any agreement on the four years or two years. I move that this is inexpedient.

Sen. SMITH: Is making all these terms absolutely uniform central to the operation of the government?

Sen. JACOBSON: I think it is essential to the elective process and the continuity.

Sen. SMITH: Would you believe me if I told you that I wasn't going to oppose any of your bills today?

Sen. JACOBSON: I would be delighted.

Sen. BRADLEY: I rise in opposition to Sen. Jacobson's motion and I agree with Sen. Smith. I don't think you can resolve this thing on the question of how you define policy or administration. This fact is that the offices of register of deeds and probate particularly are very much unlike the county attorney and the county commissioner. And it is simply inappropriate to make these people go out and get elected every two years. And the real problem of course, which hasn't been alluded to here is that every fourth year when they go out they go out in a presidential election.

Sen. JACOBSON: Sen. Bradley, you mentioned the possibilities of people being swept away in landslides. Is it not possible to have a good state senator swept away?

Sen. BRADLEY: Yes, but that is the price you pay for being in a truly political office such as the Senate. I do not consider the register of deeds or probate to be in that kind of line.

Sen. POULSEN: Sen. Bradley, the complaints you have made — that these men could be swept out of office; it seems to me that we took care of that. Do you have that little faith in the straight ticket?

Sen. BRADLEY: No, I think the straight ticket bill is a good one and I think it will help that problem but I think you

are still going to have a situation and a coattail effect in a presidential landslide year.

Division: Yeas 14, Nays 8.

Adopted.

HB 220

relative to the duties of the Merrimack county treasurer. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 220 refers only to Merrimack County and to a problem that exists between the circuit court and the treasurer of the county. The committee had at first thought that we might universalize the statutes and clarify them but some members of the committee made checks in other counties and all other counties were happy. So in order to make Merrimack County happy we have made this bill. What this bill does is, it very clearly specifies that the county treasurer of Merrimack County shall pay the bills.

Adopted. Ordered to third reading.

HB 347

to increase the fees for a recount for a delegate to a national convention. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this bill is simply a bill which raises the fee for a candidate for a recount in a presidential election from fifty dollars to five hundred dollars. The committee and Executive Departments felt the change from fifty dollars to five hundred dollars was too large a figure and we feel it is inexpedient to legislate.

Adopted.

HB 365

relative to the administration of county jails and houses of correction. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This is permissive legislation and it states that the county commissioner may appoint a superintendent for the county farm, and home. This bill would permit them to hire experts in the fields of hospital administration or corrections. Each with a clearer responsibility in their respective fields.

Adopted. Ordered to third reading.

HB 431

permitting the election of members to the board of adjustment. Inexpedient to legislate. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 431 pertains to permitting the election of members to the board of adjustment. The committee felt that the present system of appointing members was working out quite well. We recommend the concurrence of the report as being inexpedient to legislate.

Adopted.

HB 565

requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported. Ought to pass with amendment. Sen. Jacobson for the Committee.

AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring only motor vehicle accidents where damages are three hundred dollars or above to be reported

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Conduct After Accident. Amend RSA 262-A:67 (supp), as amended, by striking out in line nineteen the word "one" and inserting in place thereof the following (three), by striking out in lines nineteen and twenty the words "or (c) if said person is uninsured and damage to property is in excess of fifty dollars" and by striking out in line twenty-five the words and numerals "section 5 of chapter 268 RSA" and inserting in place thereof the following (RSA 268:5) so that said section as amended shall read as follows:

262-A:67 Conduct After Accident. Any person who is the operator of a motor vehicle who is knowingly involved in any accident which results in death, personal injury or damages to property, shall immediately stop such vehicle at the scene of such accident and give to the operator of any other vehicle involved in said accident, and to the person injured, or the owner of the property damaged, his name and address, the number of

the driver's license, the registration number of the motor vehicle and the name and address of each occupant thereof. If by reason of injury, absence or removal from the place of the accident, or other cause, such injured person, or operator of such other motor vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required hereunder, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident shall within five days after such accident report in writing to the director of the division of motor vehicles the facts required hereunder together with a statement of the circumstances (a) if any person is injured or killed, or (b) if damage to property is in excess of three hundred dollars. Voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section. Such report, the form of which shall be prescribed by said director, shall contain information to enable the said director to determine whether the requirements for the deposit of security under RSA 268:5, are inapplicable by reason of the existence of insurance or other exceptions specified in that chapter. If such operator be physically or mentally incapable of making such report, the owner of the motor vehicle involved in such accident or his representative shall, after learning of the accident, forthwith make such report. The operator or the owner shall furnish such additional relevant information as said director shall require. The provisions of this section shall be of general application and shall not be restricted to a public way as defined in RSA 259.

Sen. JACOBSON: Mr. President, the present statute with regards to reportability of an automobile accident limited to a hundred dollars per accident and fifty dollars if a party is uninsured. What HB 565 does is to eliminate that fifty dollar provision and raise the figure to two hundred dollars. In discussion with Fred Clarke and Mr. Lewis and within the committee because of the rising costs of automobile repairs the committee recommends that the two hundred dollar figure be raised to three hundred dollars, which means that there will be a maximum of three hundred dollars to both or all vehicles involved. If you've had any kind of an accident lately you will find out that a hundred and fifty dollars doesn't go very far. So that in order to cut down on those thousands of reports that are pres-

ently required to be filed with the Department of Motor Vehicles the committee recommends the extra hundred dollars.

Sen. LAMONTAGNE: Don't you feel that by increasing the two hundred to three hundred that the little guy is going to be suffering?

Sen. JACOBSON: I don't follow the logic.

Sen. LAMONTAGNE: For instance, now the three hundred dollars, don't you feel that a little man who has damages of about two hundred and ninety-nine dollars and therefore this accident would not be filed unless the three hundred dollar mark was reached?

Sen. JACOBSON: This has nothing to do with the collecting of damages because he can simply file his damage suit with the insurance or the liability of the person with whom he had the accident.

Sen. LAMONTAGNE: For instance like now if an accident occurred and therefore it did not come to three hundred dollars that there would be a problem of getting a settlement from either one of these insurances.

Sen. JACOBSON: Well, my response would be that that problem is not a large problem because insurance companies settle readily those little ones. It's the big settlements that take time.

Sen. LAMONTAGNE: Well, how about the fellow with no insurance?

Sen. JACOBSON: Well, if he does not carry any insurance himself that's his own question.

Sen. FERDINANDO: I think I can clarify this. What it says here on SB 565 is that if said person is uninsured and damage to property is excessive. What we've done here is change the amount from 25 to 50 dollars for the uninsured vehicle.

Amendment adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Bradely moved that the rules of the Senate be so far suspended as to allow a committee report not previously advertised in the Journal.

Sen. BRADLEY: This is a bill which would adopt the uniform act concerning the governing management of funds by charitable institutions. When this bill was before our committee the director of charitable trusts raised the constitutional question on the bill and recommended that it be amended in another respect. The committee would like to take action today so that we can refer this over to the Supreme Court for the constitutional question.

Adopted.

SB 75

adopting the uniform management of institutional funds act. Ought to pass with amendment. Sen. Bradley for the Committee.

AMENDMENT

Amend said bill by inserting after the title of new chapter RSA 292-B, as inserted by section 1 of said bill, the following new section:

292-B:1 Declaration of Purpose. It is hereby declared to be in the public interest and to be the policy of the state to promote, by all reasonable means, the maintenance and growth of eleemosynary institutions by encouraging them to establish and continue investment policies, without artificial constraints, which will provide them with the means to meet the present and future needs of such eleemosynary institutions pursuant to the provisions of this act. To this end it is hereby declared to be in the public interest and to be the policy of the state to encourage such institutions to adopt investment policies whose objective is to obtain the highest possible total rate of return consistent with the standard of prudence.

Amend RSA 292-B:1 as originally inserted by section 1 of said bill by renumbering said section to read 292-B:1-a.

Amend RSA 292-B:6 as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

292-B:6 Standard of Conduct. In the administration of the powers to appropriate appreciation, to make and retain investments, and to delegate investment management of institutional funds, members of a governing board shall exercise ordinary

business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing they shall consider long and short term needs of the institution in carrying out its educational, religious, charitable, or other eleemosynary purposes, its present and anticipated financial requirements, expected total return on its investments, price level trends, and general economic conditions. Provided, however, the appropriation of appreciation in any years in an amount greater than seven percent of the fair market value of the institution's endowment funds (calculated on the basis of market values determined at least quarterly and averaged over a period of three or more years) shall create a rebuttable presumption of imprudence on the part of the governing board.

Amend RSA 292-B:7, IV, as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

IV. This section does not limit the application of the doctrines of cy pres or deviation of trust.

Sen. BRADLEY: Mr. President, the amendment has been typed and distributed. The amendment is not very complicated. It is simply a declaration of policy of the bill and it doesn't really change anything of substance, but the Director of Charitable Trusts thought that it would be for the Supreme Court to understand the legislative intent. The second part of the amendment is just to renumber the third part of the amendment which sets forth a more specific standard of conduct for the charities to follow in the investment of the endowment funds and finally the last part simply adds the words "deviation of trust."

Amendment adopted.

Sen. BRADLEY: I now move a Senate Resolution which would be the vehicle by which we transfer SB 75 to the Supreme Court.

SENATE RESOLUTION

Whereas, there is pending before the Senate, Senate Bill No. 75, as amended, an Act adopting the Uniform Management of Institutional Funds Act, and

Whereas, Senate Bill No. 75 would amend RSA by inserting a new chapter 292-B, and

Whereas, section 292-B:3, rule of construction, would apply to gift instruments (as defined in 292-B:1-a, VI) executed or in effect before or after the effective date of chapter 292-B, and

Whereas, the question of whether the application of said rule of construction to gift instruments executed or in effect before the effective date of chapter 292-B violates Article 37, Part 1, of the constitution of the State of New Hampshire has been raised, now therefore be it

Resolved, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following question of law:

To the extent that the provisions of SB 75 purport to affect existing endowment funds, would such provisions be unconstitutional as an invasion of the equitable powers of the Judiciary [N.H. Constitution Part 1, Art. 37] or for any other reason?

Be it Further Resolved, that the President of the Senate transmit seven copies of Senate Bill 75 in its amended form to the Clerk of the Supreme Court for consideration by said Court.

Resolution adopted.

HB 271

providing that lump sum payments under workmen's compensation shall include reasonable attorney's fees. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill is in two parts, the original bill and the amended version of the bill. The original bill simply states that a person is entitled to attorney's fees when a lump sum settlement agreement is reached in a workmen's compensation case. That portion of the bill is meaningless because by the nature of the agreement these fees are already taken care of. The amendment which was added onto the bill by the House says that a person who has been denied coverage by the Commissioner of Labor can appeal to the Supreme Court even if he loses on appeal the insurance company would have to pay his attorney's fees. And the committee feels that that is going a little too far to encourage frivolous appeals.

Adopted.

SB 15

relative to a statewide curfew of ten o'clock p.m. Inexpedient to legislate. Sen. S. Smith for the Committee.

Sen. SMITH: Mr. Chairman, the committee held hearings and viewed this bill and it was felt that this making it a statewide law on curfew was an inequitable thing and this should be left alone. We hope the Senate will go along.

Sen. Lamontagne moved that the words ought to pass with amendment be substituted for inexpedient to legislate.

Sen. LAMONTAGNE: I would like to move that SB 15 be made a special order of business for 1:01 Wednesday so that my amendment that comes from the Judicial Council can be printed in the Journal.

Adopted.

RECESS
OUT OF RECESS

SB 77

relative to costs in domestic relations actions. Inexpedient to legislate. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: The purpose of this bill is to assure that a person unable to pay a lawyer's fee where the husband or wife is able to pay them would be able to obtain the services of a lawyer in a private practice. The committee report is that it is inexpedient, because they felt that the legal assistance could be of assistance to a person especially if they can't afford to pay for an attorney.

Adopted.

SB 94

relative to the landlord and tenant relationship. Ought to pass with amendment. Sen. S. Smith for the Committee.

AMENDMENT

Amend RSA 540:26 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

540:26 Exclusive Remedy to Obtain Possession. Nothing in

this chapter shall be construed to prevent a landlord from pursuing his legal remedy at common law to collect rent due by instituting a separate action. The action authorized by this chapter shall be, however, the exclusive remedy for the landlord to regain possession of his property which he has rented to a tenant. Any dispossession of an occupant of residential property other than under the provisions of this chapter is hereby prohibited and shall render the landlord liable to the occupant in a civil action for actual damages. In any action under this section the court shall award reasonable attorney's fees and costs to the prevailing party.

Sen. SMITH: Mr. President, what the amendment does is strike out in the original bill one hundred dollar fine in addition to any damages. The bill itself restricts landlords from actions that will attempt to keep tenants out of their apartments. Such as during the day when the people are away, changing locks on doors, turning out power, turning off water — the recourse which the landlord has is through chapter 540 and thereby there are very definite procedures whereby a landlord may get his tenant removed. However, in this instance, such actions as changing locks, shutting doors and turning off water and heat would be prohibited by this bill.

Amendment Adopted. Ordered to third reading.

SB 153

relative to exemptions allowed applicable to legacies and succession tax to non-related persons. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, all this does is clarify in the statute as to what ten consecutive years is and it counts the first year of residence as one, the current year of residence as one, and each year in between to make up ten.

Adopted. Ordered to third reading.

Sen. Poulsen moved that the recommendation of the Committee of Conference on joint rules be adopted.

RECESS

OUT OF RECESS

Sen. POULSEN: I withdraw my motion.

Sen. BOSSIE: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late session be the business in order at the present time, that bills be read by title only, resolution by captions only and that when we adjourn we adjourn until tomorrow in Littleton at 7:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 220, relative to the duties of the Merrimack county treasurer.

HB 365, relative to the administration of county jails and houses of correction.

HB 565, requiring only motor vehicle accidents where damages are three hundred dollars or above to be reported.

SB 94, relative to the landlord and tenant relationship.

SB 153, relative to exemptions allowed applicable to legacies and succession tax to non-related persons.

Adopted.

Sen. Provost moved the Senate adjourn at 3:30 p.m.

Thursday, 10May73

The Senate met at 7:00 P.M. in Littleton, N. H. with Sen. Poulsen in the Chair.

A quorum was present.

Sen. POULSEN: Ladies and Gentlemen, the acting Governor of the State of New Hampshire, Senate President David L. Nixon.

Sen. NIXON: Ladies and Gentlemen: Thank you very much for your courtesy and as Sen. Poulsen indicated, because of the absence of the Governor from the State, under the constitution, the President of the Senate becomes the acting Governor. I told the Governor's staff this afternoon that if they had any

acting problems they could look upon me but other than that they could call him. It is my honor at this time to welcome you to this Senate Session here in the beautiful town of Littleton. This happens to be the 190th anniversary of the New Hampshire State Senate, and as in commemoration of it, an idea originated by Sen. Porter of Amherst, and elaborated upon by Sen. Robert Trowbridge of Dublin, and it involves the Senate traveling around and going to different towns. This is what we are involved in here tonight and you will see an actual Senate session of the mistakes that we make, such as they are, involved in our deliberations and accordingly, without any further comment. before we get into the formal part of the program, I would like to ask Sen. Poulsen and the Vice President of the Senate Harry Spanos to escort to the podium former Senator Harold P. Davidson, former Senator Edith E. Martin, and former Senator and now chairman of the House Appropriations Committee, Arthur Drake.

It is now my honor to turn this program and the conduct of this program back to our distinguished Senator from Littleton, Sen. Poulsen, and we are very proud of Sen. Poulsen down at Concord.

STATE OF NEW HAMPSHIRE SENATE CHAMBERS

Know all men by these presents, that whereas, this New Hampshire State Senate meets for the first time in history in Littleton, New Hampshire, on this evening of May 10, 1973. in observance of its 190th anniversary; and,

Whereas, The Honorable Arthur Miles Drake of Lancaster served as State Senator from the 2nd District from 1961 to 1963, bringing his business experience and civic mindedness to bear on legislative affairs; and,

Whereas, he was elected to the New Hampshire House of Representatives in 1967, and is now in his second term as Chairman of the powerful House Appropriations Committee; and,

Whereas, he has distinguished himself for his faithfulness and fair play during his many years of public service to the State of New Hampshire; therefore let it be

Resolved, that Representative Arthur Miles Drake be

hereby presented with this certificate of commendation at this historical meeting of the N. H. State Senate; and be it further

Resolved, that a copy of this resolution be forwarded to the town of Lancaster for preservation in its annals.

President

Vice President

Senator, District 2

Attest Clerk

STATE OF NEW HAMPSHIRE
SENATE CHAMBERS

Know all men by these present that whereas, this New Hampshire State Senate meets for the first time in history in Littleton, New Hampshire on this evening of May 10, 1973, in observance of its 190th anniversary, and;

Whereas, Eda C. Martin has served her city faithfully and dutifully in the New Hampshire General Court, both as a member of the House in 1951, 1953, 1955, 1957, 1961, and 1963, and as a State Senator in 1959 and 1965, where she served on the Judiciary and Finance committees, and;

Whereas, she holds the proud distinction of being the only woman from Littleton ever to serve in the New Hampshire State Senate; be it therefore resolved that this historic session of the 1973 Senate present this

CERTIFICATE OF COMMENDATION

to

EDA C. MARTIN

for her dedicated public service to the State of New Hampshire, and be it further

Resolved, that a copy of this resolution be forwarded to the town of Lancaster for preservation in its annals.

President

Vice President

Senator, District 2

Attest Clerk

STATE OF NEW HAMPSHIRE
SENATE CHAMBERS

Know all men by these presents, that whereas, this New Hampshire State Senate meets for the first time in history in Littleton, New Hampshire, on this evening of May 10, 1973, in observance of its 190th anniversary; and,

Whereas, The Honorable Harold King Davison, attorney, public servant, and past Chairman of the Public Service Commission, has given a lifetime of energy and dedication to his hometown of Woodsville, and to the State of New Hampshire; and,

Whereas, he served with high distinction as a member of the N. H. House of Representatives from 1921-1927, Speaker of the House in 1927, and President of the Senate in 1929, and is now the oldest of living Senators; therefore let it be

Resolved, that this historic session of the 1973 Senate presents this

CERTIFICATE OF COMMENDATION

to

SENATOR HAROLD KING DAVISON

for his unexcelled public service to the State of New Hampshire; and be it further

Resolved, that this certificate be incorporated into the Senate's permanent Journal, and a copy be presented to the town of Woodsville for preservation in its annals.

In Witness Whereof, the Members of the New Hampshire State Senate have authorized and approved the presentation of this Certificate at a Hometown Senate Session held in Littleton, New Hampshire, this 10th day of May, 1973

*President**Vice President**Senator, District 2**Attest Clerk*

Introduction of Selectmen Louis Thomson and Ronnie Marsh.

Selectman THOMSON: On behalf of the citizens of Littleton and the board of selectmen, we welcome the Senate here for the first time and we are looking forward to seeing you in action. We are also looking forward to meeting you personally afterwards and we don't have the biggest town in the state but we do have the best. I would also like to thank our own Sen. Poulsen for inviting you here tonight. Thank you.

Sen. POULSEN: I can hardly help but concur with Selectman Thomson. At this time I would like to have the presentation of the colors.

Posting of the Colors by the Littleton V.F.W.

Pledge of Allegiance was led by Ex-Senator Harold Davison.

Prayer was led by the Reverend Thomas H. Campbell, Pastor First Congregational Church.

Reverend CAMPBELL: I would like to share with you a prayer that Peter Marshall gave for the United States Senate on Thursday, May 6, 1948. Let us pray.

Hear us our father as we pray for our freshness of spirit to renew our faith and to brighten our hopes. Create new warmth and love between the members of the Senate and those who work with them, that they may go at their work not head first but heart first. May they be able to disagree without being disagreeable and to differ without being difficult. In an atmosphere of keen spirit, give them freedom to be honest without tension, and frank without offense, that Thy spirit will not be driven from their midst. This we ask in Jesus' name. Amen.

Introduction of Leon Anderson, Senate Historian.

LEON ANDERSON: This is a first legislative session ever held in Littleton, and it is being hosted by Sen. Andrew W. Poulsen, this town's 15th State Senator since its 1784 incorporation.

This is the 14th of a series of weekly "Home-Town" sessions through the state to celebrate the State Senate's 190th anniversary, and the 350th anniversary of New Hampshire's 1623 settlement.

Sen. Poulsen has the distinction of being only the third

Littleton citizen to be given a second term since the Legislature went onto a biennial basis in 1879.

Back 90 years ago, Littleton's all-time greatest legislator, Attorney Harry Bingham was first to serve two biennial Senate terms, and he tied this achievement in with 18 House terms. Bingham became a noted barrister and remained a bachelor even through his 20th legislative term as a House member in 1891, at the age of 72.

Mrs. Eda C. Martin, Littleton's only woman Senator, served two terms in 1959 and 1965, along with five terms in the House.

A pamphlet history of this Senate, which was created in 1783 when the present state constitution was approved by the people, is being distributed during this Littleton visit. Additional copies are available through each Senator for use in libraries, schools, etc.

Littleton's dozen other State Senators have been:

Simeon B. Johnson 1841, George A. Bingham (Harry's brother) 1864, James J. Barrett 1872, Attorney William Henry Mitchell 1889, Bank President Oscar C. Hatch 1899.

Also Attorney Daniel C. Remick 1901; James C. McLeod (later a Councilor) 1925; Harry M. Eaton 1931, John B. Eames 1937, Frederick E. Green 1947, Fred Kelley 1953, and Charles F. Armstrong 1969.

Littleton has never had a Governor nor a United States Senator. But it can boast of one Congressman, Major Evarts W. Farr of the Civil War, who served one term in the national House in 1879, then died. His widow presented his portrait to the state and it has been in the Capitol ever since.

Introduction of Guests.

Representatives — Ken Curran, Harold Burns, Eino Finlaid, Nelsen Chamberlin and Bart Mann.

Former State Senators — Eda Martin, Arthur Drake, Ted Snell, George Noyes.

Selectmen — Louis Thompson, Ronald Marsh.

(Sen. Porter in the Chair)

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 189, authorizing fiduciaries to deposit securities in a central or regional depository. (Smith of Dist. 15 — To Banks and Insurance.)

SB 190, to eliminate unfair profits of insurance companies writing automobile insurance. (Lamontagne of Dist. 1 — To Banks and Insurance.)

HOUSE CONCURRENCE

SB 99, relative to the library development program.

SB 53, to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 690, to provide that entry fees for small claims actions go to municipality in which the court is regularly located. Judiciary.

HB 828, authorizing the county commissioners to employ legal counsel. Executive Departments.

HB 752, amending the Rochester city charter to increase the salary of the mayor. Executive Departments.

HB 807, permitting the director of the division of motor vehicles to use a facsimile signature on any official document signed by his authority. Public Works and Transportation.

HB 701, relative to appeal bonds in eviction proceedings. Judiciary.

HB 728, relative to physical therapists practice. Public Health and State Institutions.

HB 14, abolishing the six month residency requirement for voting. Executive Departments.

COMMITTEE REPORTS

SB 134

relative to insurance holding companies and regulating the use of company names. Ought to Pass. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: This bill would make New Hampshire more attractive as a state of domicile for insurance companies. It does so by amending the insurance code to do the following:

1. It expands the type of ancillary activities that an insurer can engage in, subject to the approval of the Insurance Commissioner. For example, selling accident prevention or safety services or providing electronic data processing facilities. It streamlines the method of an insurer's obtaining the Commissioner's approval before acquiring or organizing a subsidiary to conduct such an ancillary activity. It sets a desirable limitation on the amount an insurer can invest in insurance subsidiaries. It changes the limitation of dividends that can be paid by an insurer to its stockholders to conform to the limitation of the Model Holding Company Act now in force in most of the states. It cures a legislative oversight of many years standing by allowing insurers to drop the word "Inc." from their corporate title, thus conforming to the universal practice of other states. In short, by passing this bill we can encourage insurance companies to locate their legal domicile in New Hampshire, which will generate increased revenue in franchise fees and premium taxes, and the possibility of new, non-polluting industry and employment. Lastly, Sen. Poulsen thinks that this is a good bill.

Adopted. Ordered to third reading.

SB 135

requiring certain coverages at the option of the insured to be included in standard fire insurance policies. Inexpedient to Legislate. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved that SB 135 be recommitted to the Committee.

Sen. MCLAUGHLIN: Mr. President, I recommend to the Senate that SB 135 be recommitted to committee. At the request of the sponsors, this bill was not written in the manner that they thought it would be written and they would like it to be rewritten.

Sen. BLAISDELL: Mr. President, being one of the sponsors of this bill, I rise in support of this motion by Sen. McLaughlin to recommit to committee.

Adopted.

SJR 11

relative to retirement credit for Kenneth Lewis. Ought to Pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, SJR 11 if enacted will allow Kenneth Lewis, now employed by the Department of Safety as a financial employment administrator to receive credit for approximately ten years of service prior to 1964. Mr. Lewis left the service in 1964 for a better job with the American Automobile Association. About five months later he returned as the Director of State Traffic, which later merged with the Department of Safety. Mr. Lewis will also make this request to the State Retirement System.

Sen. DOWNING: Sen. Johnson, is this going to cost the State of New Hampshire any money at all?

Sen. JOHNSON: I asked Mr. Lewis that and he hadn't received his figures and he said he figured about \$800 but he doesn't know exactly what the figure will be. I can't truly say at this moment, the figures are not available.

Sen. DOWNING: Does a retirement bill of this type require an actuary report to accompany it?

Sen. PORTER: The Chair will state that this will be referred to the Finance Committee.

Adopted. Referred to Finance.

HB 707

providing that the flag of the United States shall be displayed and flown at polling places. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: HB 707 is an act that requires on election day that flags of the United States will be displayed in polling places and shall fly outside weather permitting. Under Section 59:37, it charges the selectmen for this responsibility. The words "weather conditions permitting" were added by the House.

Sen. BRADLEY: Sen. Johnson, there is something called Murphy's law that goes something like, if it is possible that something can go wrong that it eventually will. I am sure that someone will fail to put up the flag, not intentionally I'm sure, but it will happen. What will the result be if this statute is violated?

Sen. JOHNSON: You mentioned Murphy's law and the sponsors of this bill are Rep. Murray and Rep. Maguire, apparently they forgot Murphy. I believe in here somewhere that it charges the selectmen with the responsibility. The selectmen of the towns and wards.

Sen. BRADLEY: Would it effect in anyway the validity of election taking place if this section is violated by failing to put up the flag?

Sen. JOHNSON: My personal opinion is that it wouldn't.

Adopted. Ordered to third reading.

HB 724

relative to reporting new owners of mobile homes. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 724 was introduced by Rep. Chamberlin of Merrimack District 3 and Rep. Bigelow of Merrimack District 3. This bill requires any new resident in a mobile home in any city or town to register with the assessors or the selectmen within fifteen days, and this bill becomes effective November 1, 1973. The Committee of Executive Departments felt this was a reasonable request and they were unanimous in their decision that this bill ought to pass and I ask that the Senate support this bill.

Sen. SANBORN: If a person buys a residence that is a permanent residence, a wood built foundation, does he have to register with an assessor within 15 days?

Sen. BLAISDELL: I believe that if it's in a mobile park, he would have to register.

Sen. SANBORN: You misunderstood my question, I asked if a person bought a permanent home, not a mobile home, wood, brick, or so on, that was erected some time ago, does he have to register within 15 days with the assessors?

Sen. BLAISDELL: First of all, I don't misunderstand country boys. I would say that answer is no. But if you would like to ask Sen. Jacobson that question, I think he can give you a better answer than I can.

Sen. JACOBSON: May I ask you Senator to state this question again?

Sen. SANBORN: My question was Senator, that if a person

comes into a town and buys a permanent home, which is constructed on a foundation of wood, brick and so on, a standard house is he required to make a report to the assessors that he is moving into the town within 15 days?

Sen. JACOBSON: No, he would not be required to do that. The reason for this requirement is that a mobile home has mobility and it can come into town and then go out and you will notice the special regulations in regards to taxation to mobile homes, which relates to various states. One sets a date between April 1st and June 1st, and the other makes it ten weeks thereafter, June 1st, so it relates to the question of which town shall have the power to tax that mobile home in the particular calendar year. Whereas a permanent structure cannot be moved around and whatever happens to that determines the assessment without regards to the owner except when the final tax bills come out.

Sen. LAMONTAGNE: What happens if these mobile homes come in two sections, do they have to report to the board of assessors?

Sen. JACOBSON: Yes, if they were sectionalized they would, as long as they are classified as mobile homes. The only problem would be if someone left one section in one town and another section in another town, I guess you would have a problem.

Adopted. Ordered to third reading.

Sen. Lamontagne wishes to be recorded as against HB 724.

HB 735

to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, HB 735 gives the precinct of Haverhill Corner the right to enact zoning regulations. The only way that anything other than a city or town can enact zoning regulations is by the authority of the legislature and that is what this bill does. Haverhill Corner is separate from Woodsville and Center Haverhill, and it is an entity of itself. There is no reason why they can't have their own zoning and they are in favor of this bill.

Sen. BRADLEY: Is there a precedence for doing this with other towns or city precincts?

Sen. POULSEN: Yes, sir, there is. Last week we had one precinct, not just one town but it encompassed two towns, Conway and Bartlett.

Sen. BRADLEY: Is this a power that is granted by the Legislature more or less automatically in each case or does the committee review it to see whether it is appropriate to allow zoning power to be given to these precincts?

Sen. POULSEN: Senator, we have legal hearings and testimony on both sides and if there is no opposition to it and testimony in favor, we usually vote that they ought to have it as was in this case.

Sen. BRADLEY: As you probably know, you can't have, or I think we all agree that we should not have lot zoning, that is zoning just one lot or just one small area without zoning any others because it is unfair. Is it possible that with this division that you might get an area where the zoning power would be even smaller than the precincts?

Sen. POULSEN: No, not that I am aware of. The precinct in this case is also a voting entity and they also have a polling place for this area and it contains about 400 voters and it is quite a large area in population but only about one mile in geographic area. If you are familiar with Route 10 going south, after you leave Woodsville you go to Center Haverhill and there is quite a long stretch before you get to Haverhill Center. Haverhill Corner is essentially a village in itself and this is the area in which we speak of.

Sen. LAMONTAGNE: Was the board of selectmen present at the hearing?

Sen. POULSEN: We have a report from the Haverhill selectmen, although the board did not testify we do have a report from the selectmen.

Sen. LAMONTAGNE: They were in favor?

Sen. POULSEN: They were in favor.

Sen. PORTER: I would like to recognize at this time Rep. Hugh Gallen.

Sen. POULSEN: I would also like to recognize Commissioner Bill Payne of Conway.

Sen. SPANOS: I would like to introduce a guest of mine, my old school teacher from Newport Roland Smith, and he told me when I was back in school that my field was not manual training.

Adopted. Ordered to third reading.

HB 746

relative to the date of annual town meetings. Inexpedient to legislate. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 746 has as its intention a bifurcation of a town meeting so that once every four years, we can have town meetings on the first Tuesday in March and the other three years, which are non-presidential primary years, we can have it on the second Tuesday of March.

All of the audience and the senators will remember that we had to rush through a bill in the 1971 session because Florida changed their primary to the second Tuesday in March and we wanted to maintain ours for the first in the nation so we changed ours to the first Tuesday in March. Now, that has only gone on for two years. The reason given for making yet another change in the town meeting procedure was the problem that apparently faced some towns was the deadlines with respect to the town report. The committee felt first that they had only this change for two years and that to change it back again so quickly, it would only add to the confusion.

Secondly there is already provisions in the statutes for the postponement of town meetings that is the provisions of debating articles in the warrant to some other date beyond the first day of March. So this is why the committee felt that there wasn't really any substantial reason for making this change at this time.

Adopted.

Sen. Poulsen moved that the rules of the Senate be so far suspended as to allow the introduction of a Senate Resolution without proper hearing and notice in the Calendar.

Adopted.

Small Business Month in New Hampshire

The desire to organize, sustain and expand independent

enterprises is as old as America, and has been exemplified in New Hampshire since the arrival of our earliest settlers.

Some nineteen out of every twenty Granite State firms are considered small businesses, and scores of these small firms have benefited from the services of the U. S. Small Business Administration since its enactment by Congress on July 30, 1953.

This year marks the 20th Anniversary of SBA, an Agency of the United States Government which remains a bulwark to individual initiative and ability as a mainstay of New Hampshire economy.

Now, therefore, we, the Senate of New Hampshire, do hereby designate the month of September 1973 as Small Business Month, and ask all Granite State citizens to join us in praise and pride for the owners of our countless small businesses, and their invaluable contribution to the free enterprise system.

Adopted. Referred to Rules and Resolutions.

SB 5

to provide recognition of the war service of residents of this state who served in the armed forces of the United States during the Vietnam conflict; and making an appropriation therefor. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: One of the least desirable aspects of being on the Senate Finance Committee is the fact that at a certain point you have to make some tough decisions and SB 5 represents some of those tough decisions which there is no question that if you were led by your heart alone that you would like to pass SB 5. It recognizes everyone who served during the Vietnam conflict by providing that each of them shall receive a bonus of \$100.00. This would be financed by a bond issue of two and a half million dollars to be paid out over the next twenty years and a twenty year bond issue, by and large, the interest rates would be double and the cost would mean a five million dollar commitment by the State of New Hampshire to make this \$100.00 payment to the veterans.

I think this is significant, at least it was in our committee, that here we had this SB 5 and only one person attended the hearing. Only one person came to testify in favor of this bill and he is a well know member of the veterans organization. I received a few petitions since this came out but I don't believe

that the petitions showed that the people knew that there was a five million dollar price tag on this particular issue so I can't be sure whether they really knew the issue or not. I think it is significant that I have not, nor the committee to my knowledge, have received any communication from the Vietnam Veterans. I have received it from the Veterans of Foreign Wars and the WW I and the WW II but I think the characteristics of the times today that perhaps the veterans, I don't think they are looking for the \$100.00 in recognition of their work. I think perhaps that they think where there is two and one half million dollars, which by the way is a good hunk of our surplus, that we should put it to use making the state of New Hampshire what they want it to be and what they fought for in the first place. The water pollution problem and the whole economy which we can't seem to get around to find more money for. So, the Senate Finance Committee is thinking in terms of all of these commitments of the people, knowing that there are requests of legislative specials that are between thirty million and forty million dollars, which obviously we can't spend if we spend the money here.

Sen. LAMONTAGNE: Would you be in favor of this bill if I referred it to a study committee?

Sen. TROWBRIDGE: I know that this bill came out of another committee and it was on the Senate floor and we had discussions in Senate Finance and I would be happy to do whatever the Senate Finance wants to do. I think we have performed our function as the Senate Finance Committee and if the Senate wants to make the motion to send it to a study committee, that would be fine and dandy with me.

Sen. LAMONTAGNE: Mr. President, members of the Senate, I would like SB 5 sent to a study committee and the reason for the study committee is because right now at the time this bill was drafted no one knew that the war was going to come to an end and therefor it has ended which means a lot of veterans have been sent home and therefor, this figure would be ridiculous. And as the Senator said we do have a debt to these boys. And whether or not they want it or not, I don't know. I think it ought to be sent to a study committee to find out if they are interested in having this debt paid to them. As of now, as far as I'm concerned, I am going to apologize to the Senate Finance Committee, as some of you may have noticed I have complained

about some letter being placed on my desk and not being seen in time for the hearing. I myself, as sponsor, did not see any announcement of your hearing and I haven't seen too much publicity about it in the newspapers either. So therefore, I feel to do justice, that this ought to be sent to a study committee and in order to do that we would need an amendment. I don't believe there is an amendment here tonight but if the president of the Senate wants to recognize me I would be glad to make that motion.

Sen. Lamontagne moved that SB 5 be made a special order of business for 1:02, Wednesday, May 16.

Sen. PRESTON: Mr. President, I would like to support Sen. Lamontagne's motion. As a courtesy to the sponsor I think we should support the motion and I do not want the Senate to look upon the Vietnam amendment as serving with less honor and I feel there is a problem as Sen. Trowbridge pointed out, financially and I think this deserves the time requested by Sen. Lamontagne.

Sen. BLAISDELL: Sen. Lamontagne, don't you think the veterans of Vietnam would rather see this 21½ million dollars which would go to them, rather see it go to the state hospital or to the educational system of our state?

Sen. LAMONTAGNE: It's pretty hard for me to answer that because I don't know what the wishes are of the individuals. If this was sent to a study committee, I'm sure these people would make their appearance if they wanted to make a change.

Sen. JOHNSON: Are these veterans who would receive the bonus, just the ones that served in Vietnam?

Sen. LAMONTAGNE: The way the bill is written is that all those who served during the time of Vietnam.

Sen. JOHNSON: It is not just for those who went to Vietnam? It's for everybody who went into the service whether they were there or not?

Sen. LAMONTAGNE: This is in the same manner as the Korean bonus and the WW II bonus that some of the boys had been fitted from.

Sen. JOHNSON: How about those who served in the National Guard for six months of active duty?

Sen. LAMONTAGNE: No, they are not included.

Sen. SANBORN: Mr. President, I rise in favor of Sen. Lamontagne's motion. I don't think that this bill has been fully explained to the Senate. This bill requests a bond issue at this time of two and one half million dollars. I would like to inform the Senate that there was an identical bond issue that was paid to the Korean and other bonuses and at the time the various veterans clubs, social clubs, hotels and so forth around the state enjoyed a ten percent discount when buying their liquor at the warehouse in Concord. I talked to the comptroller of the state about this and they took five percent of that ten percent and they reduced it by five percent and this five percent paid the Korean Bonus. However, that 5% has paid the issue and it has been collected ever since the bonus was paid off and the state is still collecting that 5%. They should have the money in the General Fund but they haven't set it aside as a special fund since they have been collecting it so the state should have the money available but they have spent it for other things. And this bill only requests that the bond issue be the same as the one in the Korean Bonus and it be paid off with that 5% that the state has been collecting since about 1955.

Sen. R. SMITH: Sen. Lamontagne, I am not clear on your motion, would you please explain it so I can vote intelligently and know the reason for the special order?

Sen. LAMONTAGNE: The reason that I am asking for a special order is so that I can prepare an amendment to present to this Senate. I haven't been told if this legislative study committee now exists and I want to look into it to see if it was resolved and as far as I am concerned, I never heard that the legislative council had dissolved this legislative committee. If it is still in, I would refer this to that committee and therefore, it would not be necessary to have an amendment prepared.

Sen. R. SMITH: If in fact the legislative study committee does not exist any more, what course of action would you pursue?

Sen. LAMONTAGNE: An amendment would have to be drafted to have a study committee, but if this committee still exists, we could refer back to the legislative study committee.

Sen. Ferdinando moved the previous question.

Adopted.

HB 368

authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Ought to pass with amendment. Sen. Sanborn for the Committee.

AMENDMENT

Amend RSA 200-H:1 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

200-H:1 Agreement Authorized. The governor is authorized to enter into an agreement on behalf of the state with Dartmouth Medical School whereby the state will pay five thousand dollars per academic year beginning after August 1, 1973 for each New Hampshire resident admitted and enrolled in such school in exchange for the agreement of Dartmouth Medical School to reserve five places in each class for qualified New Hampshire residents. Not more than fifteen enrollees in all three classes shall be enrolled in any one academic year under this program. Upon application by each student seeking admission to Dartmouth Medical School under this plan, the N. H. coordinating board of advanced education and accreditation shall certify to Dartmouth Medical School whether such student is a resident of New Hampshire in accordance with the definition of "resident" and related policies as adopted by that board, which definition shall have been approved by the Governor and Council.

Sen. SANBORN: Mr. President, this act authorizes the Governor to enter into an agreement with the Dartmouth Medical School to provide for up to five places in each class of the Medical School for qualified New Hampshire residents. The amount of \$40,000 was appropriated for the fiscal year 1974 and \$80,000 is appropriated for the fiscal year 1975. If any student who receives assistance under this act does not practice medicine in New Hampshire after graduation, he must repay the difference between the University of New Hampshire and the Dartmouth tuition fee. A student receiving assistance under this act who practices medicine in New Hampshire after graduation will have half of the amount owed each year. The amendment Mr. President, after much deliberation, is on page 60 of your Calen-

dar and after much deliberation it determines what a resident student is and we have now the New Hampshire Coordinating Board of Advanced Education and Accreditation. And they shall certify the Dartmouth Medical School, whether such student is a resident of New Hampshire in accordance with the definitions of resident. And they will establish rules and regulations as to who a resident is, what qualifies a resident, and these rules, after they have made them up, must be accepted by the Governor and Council.

Sen. JACOBSON: Mr. President, I simply want to extend my appreciation for the Senate for recalling this bill from the Governor's office and having this amendment put in the bill. What this amendment really does in my judgment is establish a political sub-division, namely the Governor and Council, to oversee the residence requirements which were in fact the point of issue.

Sen. BRADLEY: Sen. Jacobson, am I correct that the Governor and Council will be involved with the question of residency only with respect to the definition and they will not be involved in each case as to which a particular student is a resident?

Sen. JACOBSON: No, it only relates as to who the residents are and the other qualifications and policies will be a part of the New Hampshire coordinating board because the other matters are clearly educational matters in terms of qualifications to enter the medical school and the intention of this bill was to provide the opportunity for five places at the Dartmouth Medical School and it replaces the former contract with Vermont.

Sen. BRADLEY: Once this definition has been agreed upon, and accepted by the Council, will the Council then have an opportunity after the fact to come and say John Jones is not a resident in our opinion?

Sen. JACOBSON: I don't believe so. I think this bill says that it only calls upon the Governor and Council to approve the definitions because it says in the amendment which definitions.

Sen. SPANOS: Over the last four or five months there has been a lot of notoriety as to the activity of Governor and Council regarding whether they act as a union or whether they act separately. When we run into this program must the Governor and Council act as a unit or act independently or individually?

Sen. JACOBSON: The bill very clearly states that the Governor and Council must act as a unity in Concord together and if they are distorted they don't usually get anywhere.

Amendment adopted. Ordered to third reading.

HB 315

revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: I want to apologize first to the members of the Senate, I think we have a problem with the hometown Senate Session because this House Bill has been completely amended from what you've got in front of you. The House Journal has the amendment in it so you can follow the progress of the bill because it isn't anything like what you've got in front of you. I think we should take care of this in the future. I think I can explain it if you follow me well enough so that it doesn't matter so much in this case unless I confuse you and I think we should watch for this in the future.

What happened was my great colleague, Arthur Drake, in the 1969 session, I was working on the capital budget and he was working on the operating budget and we decided that there should be a dormitory in the technical institute in Concord because the girls come from all around to that place and some mothers were worried about their housing. So we decided that it would be a good policy to have a women's dorm and we also decided that the fees paid by the gals should support and advertise the payment of the bond issue for the dorm. It all went very well and we set up a special fund that all the fees were going to pay the amortization and it was all set up in a special fund in the capital budget. And Arthur Drake spent it in the operating budget, being a man with a very keen eye for extra revenue. The problem is that it has now been spent twice so this is the first part of this bill and it is to restore the \$74,350 out of the last biennial budget to pay back the money that didn't go the right way.

The second problem, we found that the self advertising part of the university of New Hampshire, all of the dorms fees were going into a pool and out of which was paid the debt service

on the operation of the dorms. Of course you had a lot of old dorms there and they didn't need any more money. So this other money was used for new ones and in the technical institute there is only one men's dorm and now the new girls' dorm and there really isn't enough revenue coming in from each dorm to pay off the amortization even though we had been assured that there would be. So the second part of this bill as amended in the clerk's hand would say that the revenues from both the men's dorm and the women's dorm coming into the pool to supply the necessary amount to pay off the bond issue on the girls' dorm. So, that is what happened and we all know where the special fund is, so that Arthur Drake won't spend that on me again. That is what HB 315 does. It was amended in the House and I don't have the amendment here.

Adopted. Ordered to third reading.

CACR 32

Relating To: Decreasing the Age Requirement for Members of the Senate. Providing That: The age requirement for members of the senate is decreased from thirty to twenty-five years of age. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, being the youngest member of the State Senate I am pleased to present this bill and I am pleased to present it to my fellow Senators from the Judiciary committee, with ought to pass. Driving up here today I was think about this bill and during our hearing on this bill, with a state representative, from my district and myself being the only speakers, it seemed to me that the only one that would have a real question about this would be Senator Jacobson. I tried to think of retorts to his question before I presented it here tonight and I am thinking again that I hope he doesn't have an amendment since I am thirty-one and the next younger is thirty-five, if he presented an amendment to make it thirty-five it would knock me right out. I do want to say on behalf of this committee that historically, the New Hampshire constitution has provided that a Senator be of the age thirty. Also, historically the Senators were of a branded class rather than they are now and that has been rescinded. Also at that time the Senators had to be of one particular religion, that was rescinded too. Times have changed and so have the various requisites to hold the high office of State Senator. The legislature directly or indirectly lowered the age requirement from 21 to 18 to serve as a member

of the House of Representatives. We should be so similar open-minded and permit the persons at the age of 25 to be elected state senators. At the age of 25 it is accepted that most people are mature enough to accept the responsibility of this great office and the argument really is whether one is mature at age 30 than age 25 and I would hope that they would be and the argument is whether they are mature enough. Certainly they are.

Now there are forty states with the state senate requirement at age 25 and there are six states, including New Hampshire that you have to be 30, and there are no states in the U.S. that requires you to be older than 30. To be a congressman in the state of New Hampshire, you have to be 25 years of age. To be a U.S. Senator you only have to be 30. It seems difficult for me to understand why to be a state senator you must be 30, when a congressman which is supposedly a higher office, you need only to be 25. These are the only few arguments that are before us and now, ladies and gentlemen, I would like to ask that you pass this and permit the 2/3 of the people, the voters of the state of New Hampshire to vote on this constitutional amendment and see whether they want it, not whether we want it and if they want it, it's fine with me.

Sen. JACOBSON: Sen. Bossie, were you suggesting about the possibility of amending to age 35, that we then establish a first in the nation again?

Sen. BOSSIE: Perhaps.

Sen. JACOBSON: You made mention of the fact, that we went from age 21 to age 18 for the state House of Representatives. Now there was a constitutional amendment proposed, could you tell me what the vote was that prohibits those at 18 and 21 and establishes 21 as the age of standing in the House? Could you tell me the vote for that?

Sen. BOSSIE: I don't have my red book here but I believe its 50% less than the two thirds and one of the questions that you will probably ask and you asked a misleading question and it was, I favored the 18 year old being in the House of Representatives and I know a lot of people who didn't think this was a bad thing. Perhaps the next question that you will probably ask is would it not have passed and it probably would have, there's no doubt about it.

Sen. JACOBSON: Is it a good practice for a lawyer to not

only anticipate a question but to answer it as well? Senator, you mentioned several of these states have it at 25 and I think you mentioned forty states. How many of these 40 states have actually changed their constitution from the original declaration?

Sen. BOSSIE: I would have difficulty answering that without researching the history and I don't have the answer to that.

Sen. JACOBSON: You said that the times have changed and we must change with them and you mentioned the change from the definition of the change of religion and the most recent state to be admitted, Hawaii. Can you tell me what the age to be a Senator in Hawaii is?

Sen. BOSSIE: Yes, it's thirty years old. The state previously admitted to that was the state of Alaska and it's 25.

Sen. JACOBSON: Sen. Bossie, would you favor an amendment if I were to move for an amendment for age 35?

Sen. BOSSIE: No.

Sen. JACOBSON: Would you delineate to the Senators what the demand factor is for this change?

Sen. BOSSIE: I don't think it is a question of demand factors, as we see many bills before the legislature and they appear before the three committees that I am on and if there were a demand factor, I don't think that we would pass any of them. I think the question is that there are some people who could come and who are interested in being a state senator who are under thirty years old. I think it is a positive piece of legislation and I am not really concerned whether there are twenty people or two people who show up at the hearing, but what I am interested in is good testimony and I want facts.

Sen. BLAISDELL: Sen. McLaughlin, would you tell me how old Gerry Parker is?

Sen. MCLAUGHLIN: 19.

Division: 11 Nays, 8 Yeas.

Motion lost.

Sen. Blaisdell as co-sponsor of this bill wishes to be recorded as being in favor of CACR 32.

Sen. Jacobson moved that CACR 32 be referred to the Judicial Council.

Sen. JACOBSON: Mr. President, I do hope the Judicial Council will also take the further step of recommending that the constitutional convention of 1974 consider it and if this new public body gathers for that purpose, I would like it put before the people and then I think it would be in its proper position. I notice in the House that they are doing that with others directly.

Adopted.

(Sen. Spanos in the Chair)

SB 90

relative to the termination of parental rights. Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. Bradley moved that SB 90 be made a Special Order for Wednesday next at 1:03.

Sen. BRADLEY: The reason for making this is that it is a rather involved bill and there is a rather lengthy amendment. Sen. Gardner is prepared to act on it this evening. However, I am afraid that it is long and in view of the hour and the number of bills to be taken up, we ask that this be taken up on Wednesday back in Concord.

Adopted.

HB 242

relative to five percent interest on tenant's security deposit. Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, the amendment to this bill, which is the entire bill, is printed on page 70 of today's Calendar.

This bill provides that where a landlord requires a security deposit, which is a fairly common thing for things such as breakage, where the landlord requires a security deposit. If the deposit is not used up for rent or breakage or for that sort of thing, when the landlord pays it back he must pay it back with interest of 5% provided that there has been at least six months of tenancy, so in cases where there is only five months of tenancy they don't have to pay any interest but only the deposit and where there is six months or more, they must pay it back with 5% interest and the theory behind this bill is that this is unfair for

tenants to be required to in effect finance the landlords other operations.

Sen. POULSEN: Senator Bradley, do you realize that it is not possible to get the 5% interest except at a savings bank? Does this push business to savings banks and away from national banks?

Sen. BRADLEY: I don't think that the sponsors or the committee have that in mind.

Sen. FERDINANDO: I own several apartment houses and also rooming houses. I have tenants coming in and out and there is a question here that I think it may serve as a hardship that in order to stay on top I would have to have one of my girls, the girls that take care of my office, of the rentals to have them figure out the rate of interest. I wonder whether or not if it is necessary to have this bill at this particular time?

Sen. BRADLEY: It is a pretty simple calculation. You apply the five percent amount to the deposit for the part of the year or number of years that you held the deposit. I think that if you don't have one you ought to invest in a calculator or a slide rule.

Sen. JOHNSON: Did I hear you say that the deposit must be returned after six months?

Sen. BRADLEY: No, the bill only comes into effect for a deposit which is held for six months or longer and if the tenancy only lasts five months they would only pay back the deposit unless there are reductions. It would depend on how long the lease is for.

Sen. JOHNSON: You did say that the deposit had to be paid back after six months even though the tenant stays there longer?

Sen. BRADLEY: I don't think I said that, I didn't mean to say that but it would be the same as it is now, the only difference is that under this bill, if the tenancy lasts more than six months they must pay the interest rate of 5% per year when the landlord pays back the money.

Sen. JOHNSON: How about the skip, can they keep the damage deposit in lieu of skipped rent?

Sen. BRADLEY: Yes, this provides that after the deduc-

tions any rent that may be due or any amount of damage incurred would only be the difference on the 5% that would have to be paid back.

Sen. PRESTON: You mentioned six months on your amendment. It says the interest at the rate not less than 5% and for a period of time which a security has been held. I don't see the six months mentioned.

Sen. BRADLEY: This is a little confusing. It comes in under section III where it says "the landlord or lessor shall tender to the tenant, lessee, his heirs or assigns the deposit plus any interest due under this chapter on deposits held for six months or more, less any proper and lawful deduction for damage done the property pursuant to RSA 540-A:2."

Sen. Poulsen moved that HB 242 be made a special order of business at 7:01 next Thursday.

Sen. POULSEN: Mr. President, I find that this becomes dreadfully parallel to the escrow problem which is even now before the legislature and it has not yet been resolved. I think this should be resolved because we may be setting a precedent.

Adopted.

Sen. Poulsen moved that SB 65, HB 260, HB 393, SB 125, HB 13, HB 667, HB 398, HB 308 be made a special order of business for Wednesday next at 1:04.

Adopted.

SJR 15

establishing an interim committee to study RSA 79 and the performance of the yield tax. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, SJR 15 was sponsored by Senator Smith of District three and Senator Poulsen of District 2. It merely establishes an interim study committee, consisting of eight members to review the performance of the yield tax and this has not been done since 1955. With the drastic changes in land values in our state, it seems imperative that we should have something to look into this area. There is a problem with the committee and I urge your support.

Adopted. Ordered to third reading.

SPECIAL ORDER 7:01

SB 59

providing that no criminal penalty shall be imposed for failing to yield the right of way at an intersection. Sen Bossie for the Committee.

Sen. Bossie moved that SB 59 be made a Special Order of Business for 1:05 next Wednesday.

Adopted.

Mr. President, I would like to introduce my sister, Pauline Harrington from North Wodstock, my nephew Alan Harrington, from North Woodstock and Leighton Greenwood.

Sen. NIXON: I don't think we should leave without introducing our wives. We have here tonight Mrs. Blaisdell, Mrs. Brown, Mrs. Johnson, Mrs. Jacobson, Mrs. Nixon, Mrs. Porter, and on behalf of the Senate, I would like to thank Mrs. Poulsen for the wonderful arrangements and all of the hospitality and all of the work that you did.

Thank you.

ENROLLED BILLS REPORT

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.

HB 163, relative to the compensation paid to members of county conventions.

HB 456, relative to definition of actuary under the New Hampshire retirement system.

HB 531, relative to election of a town board of assessors.

HB 569, relative to the time of delivery of the county budget statement.

HB 599, amending the zoning authority of the Kearsarge Lighting Precinct to include the town of Bartlett.

HB 635, relative to temporary loans under the municipal finance act.

Sen. BOSSIE: I move that the rules of the Senate be so far suspended as to allow that the business in order at the late ses-

sion to be the business in order at the present time, that bills be read by title, resolutions by caption only and that when we adjourn we adjourn until Wednesday, May 16, at 1:00 in Concord; and with thanks to the citizens of the Littleton area, the Selectmen of the town of Littleton, to President Leon Botstein and the faculty and staff of Franconia College for their most generous and bounteous hospitality; to the V.F.W. for posting the colors, to the League of Women Voters for hostessing a reception following the session, and to Senator and Mrs. Poulsen for making this enjoyable evening possible.

Adopted.

LATE SESSION

Sen. JACOBSON: I move that the rules of the Senate be so far suspended as to place on third reading and final passage at this time SB 134, HB 707, HB 724, HB 735, HB 368, HB 315, and SJR 15 and further that we dispense with the reading of titles and assign the titles previously read by the chair.

Adopted.

SB 134, relative to insurance holding companies and regulating the use of company names.

HB 707, providing that the flag of the United States shall be displayed and flown at polling places.

HB 724, relative to reporting new owners of mobile homes.

HB 735, to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance.

HB 368, authorizing the Governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord.

SJR 15, establishing an interim committee to study RSA 79 and the performance of the yield tax.

Adopted.

Sen. Provost moved the Senate adjourn at 9:50 p.m.

Wednesday, 16May73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord of our life and God of our Salvation; we thank Thee for those who serve in this place, as we renew our work, may we renew our faith in Thee.

Through the Power of your might, may moral regeneration and renewal sweep over the Nation, in these trying days of doubt and confusion.

We ask this in The name of the Lord of Life. Amen.

Pledge of Allegiance was led by Bill Montrone, Senate Aide.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

Sen. Porter moved that in accordance with the list in the possession of the Clerk, Senate Bills 191 through 203 and SJR 17 shall be, by this resolution, read a first and second time by the therein listed title, laid on the table for printing, and referred to the therein designated Committee.

SB 191, transferring certain state prison employees from group I of the New Hampshire Retirement System to group II, or from the Employees' Retirement System to group II; and making an appropriation therefor. (Smith of Dist. 15 — To Executive Departments, Municipal and County Governments.)

SB 192, relative to licensing all roadside advertising devices. (Sanborn of Dist. 17 — To Public Works and Transportation.)

SB 193, revising the fees payable for application for permit or renewals to erect or maintain advertising devices. (Sanborn of Dist. 17 — To Public Works and Transportation.)

SB 194, permitting control of outdoor advertising on class IV and V highways. (Sens. Sanborn of Dist. 17; Trowbridge of

Dist. 11; Porter of Dist. 12; Spanos of Dist. 8 — To Public Works and Transportation.)

SB 195, relative to merging the sewer and water commissions of the town of Sunapee. (Spanos of Dist. 8 — To Executive Departments, Municipal and County Governments.)

SB 196, relative to collective bargaining rights of public employees. (Nixon of Dist. 9; Spanos of Dist. 8 — To Education.)

SB 197, relative to the New Hampshire real estate commission. (Claveau of Dist. 14 — To Judiciary.)

SB 198, relative to the licensing of alarm installers. (Sanborn of Dist. 17 — To Public Works and Transportation.)

SB 199, providing for the removal of outdoor advertising from those areas presently zoned commercial and industrial. (Sanborn of Dist. 17 — To Public Works and Transportation.)

SB 200, relative to a mandatory electrical inspection of wiring prior to the sale of certain residential, commercial or industrial property. (Sanborn of Dist. 17 — To Public Works and Transportation.)

SB 201, enabling the Unitarian-Universalist Church of Portsmouth, New Hampshire and Pierce Memorial Universalist-Unitarian Church of Dover, New Hampshire to consolidate into one corporation named Unitarian-Universalist Church of Portsmouth, New Hampshire. (Foley of Dist. 24; Johnson of Dist. 21 — To Ways and Means.)

SB 202, relative to the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an appropriation therefor. (Johnson of Dist. 21; Green of Dist. 6 — To Public Works and Transportation.)

SB 203, relative to the stopping of payment of certain instruments. (Smith of Dist. 3 — To Judiciary.)

SJR 17, establishing a committee to study the adequacy of laws relating to the confidentiality of the records of state agencies. (Bradley of Dist. 5 — To Judiciary.)

Adopted.

Sen. TROWBRIDGE: I move that the rules of the Senate

be so far suspended as to allow SJR 18 to be introduced at the present time waving requirement and printing in the Journal and upon introduction to be referred directly to Senate Finance.

Adopted.

SJR 18, making an appropriation for purchase by the state of gasoline storage tanks and pumps.

Referred to Finance.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

Sen. Porter moved that in accordance with the list in the possession of the Clerk, the following House Bills 577-760 shall be, by this resolution, read a first and second time by the therein-listed title, and referred to the therein designated Committee.

Adopted.

HB 577, relative to child placing and the care of children. Referred to Public Health, Welfare, and State Institutions.

HB 612, imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer. Referred to Recreation & Development.

HB 768, relative to withdrawals from savings deposits. Referred to Banks, Insurance and Claims.

HB 664, amending the conservation commission enabling act and permitting two planning board members to serve on other municipal boards or commissions. Referred to Executive Departments, Municipal and County Government.

HB 621, permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire. Referred to Executive Departments, Municipal and County Government.

HB 725, to prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators. Majority: Referred to Judiciary.

HB 582, amending the appropriation for the Winnepesaukee River Basin pollution control program. Referred to Finance.

HB 760, to authorize towns to appropriate money for programs on the aging. Referred to Ways and Means and Administration Affairs.

HOUSE CONCURRENCE WITH SENATE AMENDMENT

HB 368, authorizing the Governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

RECEIVED FROM HOUSE WITH AMENDMENT AND REQUEST FOR CONCURRENCE

SB 49, relative to prohibited conduct of real estate brokers and salesmen.

Sen. Claveau moved concurrence.

Adopted.

HOUSE NON-CONCURRENCE

SB 68, requiring the attendance of the police officer involved in the arrest at hearings to set bail on felonies.

REQUEST FOR CONCURRENCE IN ENROLLED BILLS AMENDMENT

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover.

NON-CONCURRENCE ON HB WITH AMENDMENT AND REQUEST FOR A COMMITTEE OF CONFERENCE

HB 565, requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Hamel, Bartlett, Meserve, Woods and Lebel.

On motion of Sen. Bradley, the Senate voted to accede to the request for the Committee of Conference.

The President appointed as conferees on the part of the Senate: Sens. Bradley, Claveau, Lamontagne, Jacobson and Bosie.

ENROLLED BILLS AMENDMENT

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover. Ought to pass with amendment.

AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

AN ACT

requiring suitable exhaust systems on motorized vehicles and equipment operating in woodlands without snowcover.

Adopted.

ENROLLED BILLS REPORT

HB 102, providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport; and making an appropriation therefor.

HB 297, relative to the standardization of reports of state agencies and the distribution of state publications.

HB 349, relative to a census of persons as of April first and a separate listing of homestead residence property.

HB 364, removing limitation on the right of dependents to recover for wrongful death.

HB 407, to abolish the town of Hampton municipal development authority.

HB 458, relative to the authority of the state treasurer with respect to certain accounts.

HB 579, relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents.

HB 220, relative to the duties of the Merrimack county treasurer.

HB 246, relative to reimbursement of certain towns for district court sessions held within such towns.

HB 341, changing the date for distribution of sweepstakes funds and eliminating the distribution of said funds to non-public schools.

HB 353, requiring registration of halfway houses.

HB 365, relative to the administration of county jails and houses of correction.

HB 428, relative to certain relatives' responsibility in medical assistance cases.

HB 724, relative to reporting new owners of mobile homes.

SB 53, to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist.

SB 99, relative to the library development program.

HB 707, providing that the flag of the United States shall be displayed and flown at polling places.

HB 735, to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance.

Sen. Provost
For The Committee.

RECESS

OUT OF RECESS

Introduction of Edward Powers, Executive Director of the Sweepstakes Commission to speak on the functions of the Sweepstakes Commission.

Thank you for this opportunity to discuss the Sweepstakes Program with you. Communication is one of the most difficult problems to solve at all levels of our society and this is particularly true of the Sweepstakes. Competition is severe to attract the attention and minds of legislators as well as the general public. Effective communication means understanding and understanding provides the soil in which ideas and varied viewpoints may be objectively tested. Your decision to take time from your busy schedule to listen to department heads is not only unique and progressive, but it is also a significant step toward a more effective and efficient state government.

It is a coincidence that ten years ago last month this very Senate put N. H. in the Sweepstakes business. This must bring back some memories for three of you that were in the Senate at that time: Senator Edith Gardner, Senator Laurier Lamontagne and Senator Paul Provost. Some of you were serving in the House in April 1963. You really started something in this nation. There are now eight states that have legalized lotteries and others like Ohio, Delaware and the state of Washington are on the verge of establishing the same type of business. We believe that there will be at least fifteen states with legalized lotteries before another five years pass. The uncharted path we pioneered has been rough and tortuous at times, but we never expected it to be a smooth one. Many changes have been made in our program since we started and, as in the case of all pioneers, we had to be flexible and ready to adopt modifications to meet changing circumstances and conditions as well as public desires. The program we are operating today has little resemblance to the one launched in 1964. In fact, it would have been impossible to predict two years ago what we are doing today.

Sweepstakes Earnings

In the nine completed years ending last October, the Sweepstakes has grossed about 35 million dollars, distributed over 13 million dollars in prizes and earned close to 15.5 million dollars for the state school districts. Last year was our highest year since 1964 with \$2.7 million going to the state school districts. Also, close to one million dollars has been paid to the State Liquor Commission for services rendered in the sale of Sweepstakes tickets. Incidentally, we are pleased that House Budget Bill 838 includes the estimated 5% sales commission in the budget of the State Liquor Commission. This will mean at least \$100,000 in additional revenue for the state school districts. You will recall that during the present biennium, we have been paying the 5% sales commission plus the costs of additional personnel in the high volume liquor stores for the sale of the 50c tickets. This brought the commission paid on tickets sold in state liquor stores to about 10% rather than the 5% required by the Sweepstakes law.

Of course, the Sweepstakes Program has an impact on the economy of the state in addition to the monies distributed for

public education. Several million dollars have been paid to N. H. residents in prizes, to banks and private outlets for services rendered in the sale and distribution of tickets and to merchants in connection with supplies and materials.

Size of Agency and Sales Outlets

We are comparatively a very small agency. We have 36 employees plus 3 commissioners. We use 9200 square feet of space in two locations at an average cost of \$2.30 per square foot. We also employ seasonal personnel that sell tickets at Rockingham Park, Hinsdale Raceway and in the near future, at the new dog track at Seabrook. There are now over 900 sales outlets, including the state liquor stores. It appears that the Hooksett and Hampton toll plazas will both be closed within the next couple of years due to the new liquor store and highway construction. We will be losing two valuable locations that have been producing over \$100,000 in gross revenue every year. To replace these losses it is our desire to sell tickets in the highway rest areas possibly through automatic ticket machines. We hope this can be accomplished at least in those rest areas where no federal funds are involved. According to the Commissioner of Public Works and Highways, federal regulations prohibit commercial activity in these rest areas. There is a reasonable question as to whether raising state revenue is a commercial activity within the intent of the regulation. *House Bill 218* expands our authority as to places where tickets may be sold and if it passes we intend to refer this question to the Attorney General for an opinion. This same bill also permits the Sweepstakes Commission to give cash incentives to persons who sell tickets which win major prizes. We feel it is essential that we maintain the enthusiasm of persons selling our tickets at the customer level. This has been done successfully in other states.

Participation of N. H. Residents in Sweeps

It is so important to our success that you fully understand your Sweepstakes Program and how it operates. This is why we are so pleased when legislators attend our drawings. Your presence not only dignifies the drawing but it also gives you an opportunity to see how it is done. It gives testimony that the state of New Hampshire is in the Sweepstakes business and not just the Sweepstakes Commission. Senator Foley, Senator

Gardner, Senator Sanborn and Senator Provost and many other legislators have been present to help us with the drawings and present checks to major prize winners. We think you should know our prize schedule and how the drawings are conducted. We think you should be able to answer the questions of your constituents. We estimate that over 85% of N. H. residents have at one time or another purchased a Sweeps ticket and that over 100,000 residents are participating each week. In any month over 60% of our adult population is actively participating in the Sweeps program. This illustrates the widespread interest in our state. People are having fun, they are winning prizes and we give them hope, anticipation, excitement and suspense. Much of the news you read is grim and discouraging but we have brought happiness and thrills to many thousands of lucky winners. With your permission we would like for you to consider having the \$100,000 super drawing in the Senate and you can see for yourselves how it is conducted.

Sweeps Is Unique As Government Agency

We believe the Sweepstakes has special problems. It is not just another governmental agency. Why does the Sweeps have special problems? In the first place, it is still growing. More changes will undoubtedly take place. In the 2nd place it is a revenue producer and in order to achieve the maximum revenue for the state school districts it must have the flexibility to change direction quickly where circumstances require. For example, in May 1971, the Commission decided to adopt the 50c weekly program. Fortunately, the Legislature was in special session and you quickly approved the concept and gave the Governor and Council authority to establish our budget. It took us only about five weeks to get underway due to the excellent teamwork from you, other state agencies and our consulting firm. What does this mean in dollars and cents to the state of New Hampshire? Our sales tripled almost immediately. Any delay in getting this program started would have meant a loss of \$100,000 in gross revenue every week. If you were not in session we would have missed the entire summer season. That's only a 90-day period, but we are talking of well over a million dollars.

When we testified at hearings in June 1971, we estimated that we would sell between 150-200,000 tickets each week with the 50/50 Sweeps. We thought that if we could sell the maxi-

mum of this estimate we would be doing well. In the 95 weeks we have been in the weekly program we have averaged close to 265,000 tickets or over \$130,000 each week.

Our business is also very volatile. Special promotions can have an immediate effect on sales. In January we changed our prize schedule. We doubled the number of prizes, increased the super draw to a \$100,000 top prize and allowed all cash winners to participate in it. Our sales immediately increased by over 25%. You had given the Governor and Council the authority to approve our budgetary needs and it paid off. This very month we are running a special promotion for losers. We are awarding vacation trips to Europe and other places to persons with losing tickets. This gives them another chance to win a major prize. Our sales in May have already jumped over 20%. Last week we sold over 306,000 tickets. This is the highest week we have had in a year and a half. We are now selling more tickets than we were when Massachusetts entered the lottery business.

We are therefore effectively in a consumer product business. No consumer product company would last very long if it did not constantly introduce new and improved products, if it did not keep up with technological change, and if it did not change constantly with the desires of the public. Many of you are in business and realize you frequently must make prompt decisions to meet competition and changing conditions.

Archaic Federal Laws — Senate Resolution

The Sweepstakes is unique because it has to operate within a framework of federal laws that are as complex as they are confusing. While their interpretation, application and meaning have liberalized in some degree since 1964, the core of the problem still remains. We are a business that is handcuffed and shackled. To this date the lottery concept of raising revenue has not been truly tested in the market place. The federal restrictions on the use of mail, radio and television seriously handicap our communication with the public. We are denied the merchandising channels provided other forms of business, including pari-mutuel racing. Millions of Americans are participating every week in their legalized lottery programs and are denied information to which they are entitled. Millions of dollars in unclaimed prizes are largely due to these restrictions. For example, radio and television do not broadcast the weekly

number and newspapers remove lottery ads from their mail edition. We feel encouraged that this year there is a chance for relief. It is recommended that this Senate forward a resolution to Congress urging favorable action. The Federal and State governments should work together to insure the honesty and efficiency of state legalized lotteries and thereby permit the states to raise maximum revenue for public needs. In any event there is light at the end of the tunnel. Before too long we may have drawings on television, advertising on radio, television and through the mails, and acceptance of mail orders. This could create an entirely new approach and bring additional opportunities for revenue. When it happens we want to move fast. We may need more space, more personnel, and additional funds in our budget for promotion and advertising. Delays of even several weeks could mean loss of hundreds of thousands of dollars in revenue.

The point of all this is that we recommend that either the Legislative Fiscal Committee or the Governor and Council be authorized to approve an expenditure of no more than 5% of our estimated gross revenue to meet special needs or circumstances. We ask for no blank check and full justification will be provided for any recommendation we make. In summary we are in a relatively new, growing business that is dynamic and competitive: it has unique, image, customer, legal and promotional problems to solve.

Future Plans — Instant Sweeps

We are in the process of starting the Instant Sweeps and we hope to get it underway by early July. We think this will be popular with the public. There will be a prize for every 5 tickets and a cash prize for every 12 tickets sold. Prizes of \$1, \$5 and \$10 will be paid on the spot. We have written to the Attorney General to insure we can delegate this responsibility. We feel the Sweepstakes law gives the Commission this authority so long as there is complete accountability, but this may require legislative approval. If it does we ask that it receive your quick sanction so we can take advantage of the summer months. The Instant Sweeps will be attractive to many tourists and visitors who feel they may have difficulty in learning of the weekly number after they have left the state. We estimate that our gross sales will increase close to 30% with the Instant Sweeps and that the two programs will derive over \$9 million in gross revenue and

raise our net to education to about \$3.5 million. Other states like Pennsylvania and New Jersey have proved that the public will support two programs so long as each has distinctive characteristics.

In looking to the future we must keep our program exciting and interesting with unusual promotions and prizes. This requires research, marketing surveys and a review of experiences of other states with legalized lotteries. This can be done effectively through our membership in the National Association of State Lotteries whose directors meet quarterly to exchange information. We need the support and interest of each one of you if we are to accomplish our objectives and if we are to maintain a leadership role in this exciting business. We ask that you:

1. Pass HB 218 which will widen our authority as to sales outlets and permit the giving of cash incentives to clerks selling our tickets.

2. Establish a means by which we will have flexibility between legislative sessions to meet special circumstances or needs.

3. Send a resolution urging Congress to act promptly and favorably on legislation that will amend archaic Federal anti-lottery laws.

4. Learn more about the activities of the Sweepstakes by attending its functions when the time permits.

We appreciate your past co-operation and we hope that our commission will continue to deserve your confidence.

I shall be happy to answer any questions you may have.

SUSPENSION OF RULES

Sen. Jacobson moved that the rules of the Senate be so far suspended as to allow the introduction of a Committee of Conference Report without previous distribution.

Sen. JACOBSON: Mr. President, HB 232, as the Senate will remember, that an amendment was proposed by the committee on Municipal and County Governments which made it possible that anyone who voted in the 1972 general election and/or the annual town meeting of this year will be deemed to have been reregistered automatically without taking further action. There is an increasing problem with people reregistering. The House did not concur in our proposed amendment by reason

of that some House members brought up that issue there were people in the towns who had come in either as students or as wandering itinerants, got in and registered the day before election, voted and then disappeared into history and that they felt that that would not be a proper solution. Though they agreed with the general principle that the Senate has opted. So a very amenable compromise was worked out in which all those who did vote in the aforementioned election would be put on this checklist except when a majority of the supervisors of the checklist have certain knowledge that that individual or those individuals have left town. And that is what the committee does. So it provides as Sen. Porter often uses, the elasticity for supervisors of the checklist with respect to itinerants and college students.

Adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred HB 232 entitled An Act relating to changing the type of notice required to one who has failed to reregister as an eligible voter, having considered the same, report the same with the following:

(1) That the Senate recede from its position in adopting its amendment;

(2) That the House of Representatives recede from its position of non-concurrence and that

(3) The Senate and House adopt the following amendments to the bill.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

AN ACT relative to the process of reregistration of eligible voters.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Regular Mail as Sufficient Notice to Reregister. Amend RSA 69-26-a, III, as inserted by 1969, 263:1 by striking out said paragraph and inserting in place thereof the following:

III. Beginning June 1 during each year ending with a one,

the supervisors shall review the checklist and shall strike therefrom the names of all persons who have not registered or re-registered under paragraphs I and III-a hereof; provided that there shall not be stricken from said checklist the name of any person duly qualified to vote, unless such person, not less than thirty days prior to such action, shall have been notified by the supervisors by regular mail at his last known address of his failure to reregister and informed of the procedure to be followed in order to reregister and have his name retained on said checklist, nor unless such person shall have been given a reasonable opportunity to follow said procedure. Provided further that if a majority of the supervisors have personal knowledge of the voting qualifications of any person who by July 30 has failed to reregister hereunder, they may retain his name on the revised checklist.

2 Reregistration through Recent Voting. Amend RSA 69:26-a, as inserted by 1969, 263:1, as amended, by inserting after paragraph III the following new paragraph:

III-a. For the purpose of this section, unless a majority of the supervisors have personal knowledge that the person is no longer a qualified voter, said person shall be deemed reregistered and need not appear before the supervisors

(a) if he has voted in the 1972 biennial election or in any succeeding biennial election in each year ending with a zero; or

(b) if he has voted in the 1973 annual town meeting or in any succeeding annual town meeting in each year ending with a one.

3 Effective Date. This act shall take effect upon its passage.

Sen. Downing

Sen. Foley

Sen. Trowbridge

Sen. Jacobson

Sen. Bossie

Conferees on the part of the Senate

Rep. Chase

Rep. Conley

Rep. Newell

Rep. Wilcox

Rep. Humphrey

Conferees on the part of the House

Adopted.

VACATE

Sen. McLaughlin moved that HJR 25 be vacated from Public Health and Welfare and said bill be referred to the Committee on Finance.

Adopted.

COMMITTEE REPORTS

SB 97

relative to the discipline of students on school buses. Ought to pass with amendment. Sen. Green for the Committee.

Sen. GREEN: Mr. President, SB 97, which is relative to the discipline of students on school buses, ought to pass as amended. You will find that the bill is a bill that would permit school authorities to suspend the right of riding on a school bus to any pupil who causes disciplinary problems on a school bus. Parents or guardians have the right to appeal to authorities but until the appeal is heard the suspension is upheld and the parents and guardians are responsible for the students' transportation to and from school for the remainder of the school year. There's an amendment to the original bill which you'll find in your Calendar, on page 71. That amendment merely brings it more in line with the existing statutes on the book in relation to suspension. There is nothing in the statutes relating to the school bus. But there is something referring to the suspension from school. Technically speaking right now if a child is suspended from a school bus, he is suspended from school. What the bill is attempting to do is clarify the situation to determine the discipline on a school bus as being different between discipline problems in the school itself. And it clearly defines the procedure and the question of student failures to follow reasonable rules and regulations. What this bill will do is clear up a real vague area in the statutes at this time.

AMENDMENT

Amend RSA 189:9-a, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

189:9-a Pupils Prohibited for Disciplinary Reasons. Notwithstanding the provisions of RSA 189:6-8, the superintendent, or his representative as designated in writing, is authorized to

suspend the right of pupils from riding in a school bus when said pupils fail to conform to the reasonable rules and regulations as may be promulgated by the school board. Any suspension to continue beyond twenty school days must be approved by the school board. Said suspension shall not begin until the next school day following the day notification of suspension is sent to the pupil's parent or legal guardian.

I. If a pupil has been denied the right to ride a school bus for disciplinary reasons, the parent or guardian of that pupil has a right of appeal within ten days of suspension to the authority that suspended this pupil's right.

II. Until the appeal is heard, or if the suspension of pupil's right to ride the school bus is upheld, it shall be the parents' or guardians' responsibility to provide transportation to and from school for that pupil for the period of the suspension.

Amendment Adopted. Ordered to third reading.

HB 352

relative to statewide school food and nutrition programs. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill came before Education committee after having been heard in the House and it is one which we have had quite a bit of testimony on relative to the needs for schools' free lunches for those students in our state who do not have the ability to pay for their lunches. This bill is amended by the House and it says that all schools shall provide some form of meal which is nutritional and the requirement must be in effect by 1979. I hope the Senate will go along with it.

Sen. PORTER: Someone said that there was opposition to this bill. Could you advise me as to what the opposition and the background of that was?

Sen. S. SMITH: There was one Representative from Greenville who testified against the bill while there were many other Representatives and members of the public present who testified in favor of the bill. He was the only person to testify in opposition.

Sen. PORTER: Could you explain the nature of his opposition?

Sen. S. SMITH: I think he felt that there was no hunger or poverty as far as the town of Greenville children were concerned and that they didn't need it in Greenville.

Sen. SANBORN: Sen. Smith, doesn't this actually make mandatory legislation that is presently permissive in RSA?

Sen. S. SMITH: It makes mandatory the fact that those children who are in need of meals will have them. It does not make mandatory, I'd like to read a bit from the testimony. "It does not require a hot meal nor does it require that everyone gets a free meal nor does it require a school to be in the National School Lunch Program, nor does it require a school to have kitchen equipment, nor does it require a school to have a cafeteria, nor does it require a child to eat at school rather than go home for lunch, nor does it prevent a child from bringing a lunch to school. It does require that a nutritious meal be made available to any child who wants it during the school day. Further, a needy child does not have to pay for such a meal.

Sen. SANBORN: You answered me Senator in part. In the second part when you said, yes, it makes it mandatory but my question was, this is making mandatory legislation that is now in the RSA's as permissive. In other words schools can if they so desire enter into a lunch program?

Sen. S. SMITH: They don't have to enter into it a total lunch program under this piece of legislation. What they have to do is offer a meal to those children who are in need of it in our school systems.

Sen. SANBORN: In other words some little school that still may exist in the state of New Hampshire of a dozen or so pupils, in a town up in well we'll say half location or something like that, have got to provide a lunch for a needy child even though it being practically impossible for the town to do so?

Sen. S. SMITH: They would have to provide a lunch or meal, nutritious meal for a needy child but not until 1979. So that in effect, the 86 schools of this state which do not provide lunch of this type for needy children have until that time to comply with this. And in reply to your question about location, I think it was very interesting that one of the people who came and testified on this bill was Rep. Spirou from Manchester. As many of you may know he was born and raised in

Greece and went to his primary schooling in Greece and every day the teacher of that school made him take at least two vitamin pills and have a meal which was paid for by our Federal international programs. And he told us, whether you believe it or not, that his teacher told him in the hills of Greece that the teacher wanted him to take these pills and eat these meals so that he could grow up and be big and strong to come to New Hampshire and let the children of New Hampshire have the same benefits as the children of Greece.

Sen. BOSSIE: Mr. President, I am rising in favor of this bill. I just have a few brief comments. I think if we look at the budget as proposed by the House we'll see that for the fiscal year 1974 the federal government will allocate the state of New Hampshire two million, eight hundred ninety-two thousand dollars for school nutrition. And in 1975 fiscal year three million two hundred, ninety-two thousand dollars. And all I would like to say in regards to this bill, which is perhaps the most significant bill to come to us today, is that these monies which is received by the federal government is to be for all of our school children and not just the school children in the school districts which want a program of this nature. It would seem that the people and the children who need this program the most come from proper areas that don't feel that it is of their utmost concern. So I think that in order to do this, our contribution will be \$218,000 in 1974 and in 1975 \$272,000. I think this is a small token by the state. It will not cost the state any additional amounts of money under this bill. The towns have a sufficient period in which to comply with this.

Sen. SPANOS: Senator Smith, what was or who were the sponsors of HB 352?

Sen. S. SMITH: Representative D'Allesandro of Hillsborough.

Sen. SPANOS: Is he involved in the past efforts to allocate the situation and the position of the children of our state?

Sen. S. SMITH: I'm not sure if he does that.

Sen. SANBORN: Senator Bossie, you were just quoting some figures out of 888 relative to federal funds, this is all very interesting, but I understood Senator Smith in his presentation said that the various towns that do not have a school lunch

program that this bill does not require them to take up the federal and state food program.

Sen. BOSSIE: You are correct Senator. We certainly didn't want to mislead you. This money is allocated to the state of New Hampshire. If this bill should pass the local towns do not have to join this program. It's there if they want to.

Sen. SANBORN: Then again the same as I asked Senator Smith, this is mandatory legislation of the permissive requirement of the RSA that we have right now?

Sen. BOSSIE: It will give a town six years to apply or comply.

Sen. SANBORN: What make you think that a town will be richer in six years?

Sen. BOSSIE: Well perhaps the towns might realize more fully the needs of their children; the job's being met right now.

Sen. Poulsen moved that the words Inexpedient to legislate be substituted for the words, ought to pass.

Sen. POULSEN: Mr. President, I am all in favor of youngsters getting good food either at home or in school, but I am definitely against the concept of legislating the school into doing that. I think it is a welfare matter and should be handled as a welfare matter. Now, in my own district, we have schools that do serve a good lunch and we have schools that serve a free hot lunch and we have other schools that do not serve one and have no facilities to serve one and they are getting along nicely. There's never been a kid that starved in any of them and I don't think that we should legislate and make it compulsory for schools to do this.

Sen. BOSSIE: Sen. Poulsen, is it not true that education of our children is mandatory by the RSA's?

Sen. POULSEN: True.

Sen. BOSSIE: Would you say that hungry children can learn?

Sen. POULSEN: They say that they are sharper when they are hungry. I don't know personally.

Sen. S. SMITH: I rise in opposition to the motion for in-

definite postponement. HB 352 gives those children who are not fed at home and who are in need of sustenance and in need of an education with that food and that energy so that they may receive an education. I don't think that the Welfare Department is a department which is involved in this. The teachers in the schools, the administration in the schools are well aware of which children can afford a lunch and which cannot afford a lunch. It is my firm belief that this kind of legislation is long overdue. It is legislation that has been on the books of many areas of this country and in other areas around the world. And if we are going to give the children of this state an opportunity to further themselves in the school systems, I don't see how we cannot but pass it.

Sen. LAMONTAGNE: Sen. Bossie, are you very familiar with Food on Wheels?

Sen. BOSSIE: Yes.

Sen. LAMONTAGNE: Now as the children would take the advantage would the facilities also be used for this Food on Wheels?

Sen. BOSSIE: Not in this bill it wouldn't.

Sen. LAMONTAGNE: But could the facilities be used?

Sen. BOSSIE: We aren't referring to that in this bill. And I think that's a subject matter for another bill.

Sen. LAMONTAGNE: Senator Bossie, isn't it so that this is not compulsory for any school to go into, but if they do want to go into it that the federal funds are available to them.

Sen. BOSSIE: No, this would require that by 1979 every school district would provide a meal to a child if he or she desires so that the child may not be hungry while attending school. And it does not provide that a school has to join the National Lunch Program.

Sen. LAMONTAGNE: Then who is going to pay for this program?

Sen. BOSSIE: The school districts have an alternate. They can pay for it themselves and most schools as testified before the committee do not want to belong to the national program. If they don't want to belong to it they can pay for it entirely by themselves. It doesn't provide that kitchens have to be necessary

or anything. In fact, Mr. George Buzzell, the consultant for food and nutrition service for the State Department of Education testified that the state's average seemed to be about 16% eating in the school. Although recent data worked out for title I, using the 1970 census data, indicates that we have about 19% needy children ages 5-17 in our population. Well if we have that it's obvious that a lot of our school children do need this.

Sen. SPANOS: Mr. President, I rise in opposition to the motion to make this inexpedient to legislate. I would like to say that I am not at all worried about the fact that this is mandated or permissive legislation. Many times we in the legislature use the home rule as a red herring and an umbrella to hide behind a posing legislation that is in the best interest of the people of the state. We constantly mandate, particularly in the field of education. Our laws are replete with mandates from the legislature regarding our children in our schools. I think if it had not been for mandated programs the Legislature and the School Board of Education would still be in a one room school, with the outhouse too. I think that it's not too much to ask that they have a nutritional meal guaranteed. I urge that we accept the report as recommended by the committee and vote down the motion to make this inexpedient to legislate.

Sen. PORTER: I rise in opposition to the motion as offered by Sen. Poulsen. I have listened to the arguments and I have heard some of the comments previously made in past weeks by Sen. Trowbridge relative to the distribution of revenue sharing. It seems that certain funds might be allocated from the towns' revenue sharing as that need arises. If this sort of a program had been present when I was a boy I wouldn't have had perhaps my own experience of not having had vitamin pills. I think that it's little enough that we provide a nutritional meal for any student who cannot afford it through no fault of his own. I feel this ought to pass.

Sen. SANBORN: Mr. President, I rise in support of Sen. Poulsen's motion. I've been connected one way or another with hot lunch programs in schools for a good many years, in fact, I might say that prior to the state laws and the national laws being put on the books we had a hot lunch program for the kids in four separate school districts. I firmly believe that the towns themselves and the school districts know better of the conditions within their towns and cities than we do here in Concord. And

relative to who needs and who doesn't lunch programs. I also think our welfare program is in the same place. We are trying to sit up here in Concord and legislate a Welfare program and we don't know what's going on down there in the towns. Are you saying that 19% of the children in my town need a lunch program? These are erroneous figures! There may be 19% in Manchester but there may be only two percent in the town next door. I can't see telling the people of these towns you have to put on a lunch program for these kids. When they know what's in their towns and they know who needs to be given lunches and they know who doesn't need to be given lunches. The school nurse can judge as to their nutritional requirement without any further problems or legislation. I would support Sen. Poulsen strongly on his motion.

Sen. CLAVEAU: Sen. Sanborn, did you say that there's only about two percent in your town?

Sen. SANBORN: I did not say there was two percent. I would say that it probably runs about 10%. And we are feeding them right now, and we are doing it under the provisions with the legislation that is on the books right now. We don't need to be told or have it rammed down our throats that we have to do it. We are glad to do it and I think that the majority of the towns are the same way.

Sen. BOSSIE: Senator Sanborn, the crux of your opposition appears to be the fact that this bill legislates that it's mandatory to provide these meals. Is this true?

Sen. SANBORN: This is true. For the very good reason that has already been stated. You have already made it known that they do not have the participation in the federal and state funds which amount to a little over two million dollars so who is going to bear the expense of this? Nobody else but the district. Now the legislation you've passed in the years, all you've done is pile more and more dollars over these poor districts. That's why at the present time most of the schools in these towns and cities anywhere from 70 to 80% of the budget is for their schools.

Sen. BOSSIE: Senator Sanborn, based upon what you have just stated you are against the state legislating mandatory laws that apply to school districts — you would logically and consistently be opposed if the state required our towns to educate children too. Wouldn't you?

Sen. SANBORN: No.

Sen. BOSSIE: What is the difference?

Sen. SANBORN: What I am saying is that you have legislated continually up here the basis of an education is good. I have no argument with you here. But when you keep adding little pieces of legislation all the time up here to the system that is now, with the school budget of the towns and cities running now at 75% to 80% of the total budget for education. It is the biggest burden that our taxes go for. And including these few more dollars we are just raising the cost that much more. Now as I said before, these towns and cities recognize who their needy children are and they are provided for under present legislation.

Motion lost.

Question on Committee Report.

Adopted. Ordered to third reading.

SB 142

amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, SB 142, sponsored by Sen. Green from Rochester, would merely provide that they could put to a referendum in the cities a proposed change in the city charter. You know people in the city feel that they should have changes in the government. They can't very well do it without changing their charter and they can't make a change in the charter without first getting permission from the legislature. This merely subscribes to the Senate upholding home rule and respecting requests of people along that line. I might say that the testimony was six to one against the proposal, however, the proposal does represent an element of the population in the community who feel that this would be a worthwhile change. I might also say it was because of a document that was distributed here. I guess it was from the Rochester City delegation outlining how opposed the members of the House delegation are to the bill. I asked the question in the committee hearing, if in fact if this bill passed the Senate it would be referred to the delegation and that's the usual procedure in the House. So I would expect that the House business can be handled in the

House and that we tend to the Senate business here. I urge your support in passing this bill.

Sen. PRESTON: Sen. Downing, this respecting home rule in such cases are you saying that if we vote for your report that the city delegation of the House have the right to make the final determination over this?

Sen. DOWNING: This is my understanding.

Sen. JOHNSON: I was at the hearing as you know and of the people who appeared and were opposed to this particular bill I believe that they were asked whether they were opposed to referendum. What was their verdict?

Sen. DOWNING: It was mixed. Most of them I think seemed to be a little bit confused. They thought that if the bill passed in its form that it would automatically change the charter. The indication was to me that after they were at least somewhat informed that this would merely provide referendum so that people in the community would make their feelings known that they seemed surprised and compatible to that type of idea. However, in fairness that's entirely different by this document that has been distributed today. Again the bill represents an opinion that exists in the community. To what depth it exists, will be determined in the community.

Sen. SPANOS: I have two questions. Number one: We've heard the issue of home rule and referendum discussed here but what I'd like to know is what does the bill do? And secondly, what is the rationale now behind the bill?

Sen. DOWNING: The bill would provide that the mayor would be a non-voting member of the school board. And the rationale behind the bill was that he is a voting member now and the city rationale being the city government or the school administration would be better off if he wasn't I guess that's the feelings of that segment of the population.

Sen. LAMONTAGNE: Mr. President, members of the Senate, I rise in opposition to the committee report. I personally feel that at the public hearing that there were only two persons who spoke in favor of SB 142 and it was brought out at the hearing that eleven school board members out of the eleven were against said bill. Eight legislators against opposing and only one who didn't vote. There were ten members of the legis-

ture — delegates out of Rochester. There were four members of the city council who were against the bill. And at the same time it was pointed out that the mayor since 1889 has been chairman of the Rochester school board with good results and it seems that many of these people in that area are in opposition to this bill or change of the city charter of Rochester.

Sen. DOWNING: Sen. Lamontagne, that testimony that you just referred to or that evidence in opposition, only part of that was actually present at the hearing and part of it is just hearsay being passed on to you by somebody else, is that correct?

Sen. LAMONTAGNE: Senator, you have the records and possibly, maybe you could give us the official report of what happened at that hearing.

Sen. S. SMITH: Mr. President, what this bill does in effect is offer the people of Rochester the opportunity to vote to change their city charter. It is true that I believe eight out of ten members of the House delegation from Rochester were opposed to the content of this bill, but when asked on the other hand if they objected to the people of the city of Rochester having the opportunity to vote on this question all but two said no. That they didn't care. That the people of the city should have the choice. This is not particularly an educational bill but is rather a political bill. There seems to be a great deal of concern in the city of Rochester on this question. There was a question that was brought out that the majority of the city council and a large majority favored this referendum and the contents of it. It was also brought out that members of the school board were opposed to it. It seems to us to believe in home rule as we all do, and also in believing that people should have the opportunity to voice their views as to their city charter. That they should be given the opportunity to vote on it. And they should have this opportunity to vote on it and not have the legislature turn them down. I think that it's the only city in the state where the mayor of the city is also the chairman of the school board and a voting member of the school board. And it does seem to the committee that this was a reasonable question that the people may not believe in this system and that they should be given the opportunity to correct this.

Sen. LAMONTAGNE: Senator, are you telling us now that majority of the city council of Rochester wished to have a referendum for its people to vote on this question?

Sen. S. SMITH: I am not only saying that but as far as the city council is concerned I understand that a majority of them were favorable to the content of this proposed referendum.

Sen. LAMONTAGNE: If that's the case why is it that the Rochester city council does not turn around and adopt the home rule and take care of their own washing of linens in their own town?

Sen. S. SMITH: This is exactly Senator, what they are trying to do by the referendum.

Sen. LAMONTAGNE: But they already have the opportunity of adopting the home rules?

Sen. SMITH: As I understand it, under this city charter they do not. They have to have a referendum and the Legislature has to approve the referendum question.

Sen. LAMONTAGNE: Haven't we got a home rule law?

Sen. S. SMITH: Yes, but in regards to this I think as far as the city charter as it is amended, it comes before the Legislature first, and approved for the people to vote upon it.

Sen. LAMONTAGNE: I disagree with you.

Sen. GREEN: I want to take issue with a paper found on the Senator's desk in reference to SB 142. It has been my understanding that the Democratic process allows people with different ideas and beliefs to discuss in the open their wishes, not only in electing their representatives but also their desires, on a proposed change in the laws that govern them. I will not sit by calmly when I see implied honorable people from the New Hampshire House make charges against my personal character and portraying falsely my motives for suggesting a change that many of my constituents have requested me to submit in the form of a bill. I openly challenge the information presently being presented this body, on this paper as being truly factual. Also the mere suggestion that my motives, which by the way are assumed, are for spite, is nothing but childish and completely untrue. This bill merely allows the voters in the city of Rochester to decide whether or not they want the suggested change in this bill. Once again I have sponsored this bill because there are people in my community who request this. If members of the House attempt to kill this bill they are simply denying the vo-

ters of Rochester the right to vote on this issue. In my opinion denying the people the right is the same as rejecting the Democratic process. There have been some questions that have been presented here and some comments that have been presented here which I'd like to reply to. The inference was made that good results have existed because of the situation. I would suggest that the Senator who made those comments would look at the record and find out what the actual situation in the city of Rochester is. It is a critical situation. I would also like to suggest that some of the reasons for this bill is that it is the only city in the state where the chairman of the school board is also the mayor of the city. The majority of the council and that's where I say that I question the facts of this particular sheet, I have personally conferred with ten out of the eleven councilmen which leads me to believe that these facts are not accurate. I have also talked to school board members. They have not all opposed the idea. There is a definite conflict here as far as I am concerned, when a man has the responsibility for preparing a budget and then spending it.

Sen. LAMONTAGNE: Senator, then if there are eleven members of the city council then why is it that the city council didn't adopt the home rule which they have the right to turn around and put on a ballot and ask its people to make a decision on the question that is now pending?

Sen. GREEN: I agree with your question about home rule but there are a couple of situations that are existing here. No. 1: Before you can put a referendum question on the ballot there must be a charter commission, you must present the proposed changes of the charter and present them on the ballot. The city of Rochester does not have a charter commission and under present circumstances they will not get a charter commission. There is a particular person who is in office at this point and has a lot to do with whether a charter commission is formed or not formed. The only other route that is open is to come to the legislature and request that this go on the ballot.

Sen. LAMONTAGNE: So if this is the case then you don't feel that you have the support of the mayor and therefore is one of the reasons why you don't want to do it through the city council. Is that correct?

Sen. GREEN: No, it is not correct. The point is at this time

is that the way in which a charter commission was formed, under present conditions it is not possible to form a charter commission. The city council itself would be amenable to that situation.

Sen. LAMONTAGNE: Would you admit that you have the home rule and therefore it could be a charter commission appointed?

Sen. GREEN: It cannot be appointed unless the mayor appoints the charter commission. There are four bills, presently in the general court all referring to charter changes in the city of Rochester and they are all here. This is not the only one.

Sen. Jacobson moved that SB 142 be referred to the committee on Executive Departments, Municipal and County Government.

Sen. JACOBSON: Mr. President, I have been contacted by a number of people from Rochester regarding this bill. I have listened very carefully to the debate and the committee on Executive Departments, Municipal and County Governments has three other bills in its committee, and the proposal would be to hold a hearing in the city of Rochester and then determine on the basis of this on all four bills what would be an equitable resolution. I think what Sen. Smith said that this is really not an education bill but a political bill is pertinent. And so I think in that context it would be good to handle all bills at that time.

Sen. LAMONTAGNE: Mr. President, I would be very happy to go along with this, and I rise in support of Sen. Jacobson's motion.

Sen. S. SMITH: Mr. President, I rise in opposition to the motion. I did say that as Sen. Jacobson indicated that this was a political bill rather than an educational bill, but I meant that in the true sense. It's political, but it was not necessarily County and Municipal Government. I think that the committee on Education can also deal well with political matter. I think also that this bill has had a full and equitable hearing and that at this juncture it is time that we sent it on to the House. I imagine that it will be referred to the Rochester delegation and if the Rochester delegation feels so inclined they can have a hearing on this bill in Rochester.

Sen. LAMONTAGNE: In what reference do you see where education has anything to do with amending a charter of a city?

Sen. S. SMITH: Because it has to deal with a school board and membership of that school board.

Sen. GREEN: I am aware that there are four bills for the city charter involved here. Are you aware that two of these bills have already had a public hearing in the city of Rochester?

Sen. JACOBSON: I am not aware of that but that wouldn't necessarily mean we wouldn't have it.

Sen. JACOBSON: Just a theoretical question, Senator. Did you mean to imply that the politics of education were different than the politics of any other institution?

Sen. SMITH: No. But I think both Executive Departments and Education have certain political flare.

Sen. DOWNING: I rise in opposition to the motion. I think it boils down to this. You have House members coming in here trying to dictate to the Senate, what the Senate is going to do relative to their district. Now they have their day in court when the bill goes into their House. I urge you to reject the pending motion and support the committee report.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I resent the remarks that have just been made by Senator Downing. As far as I'm concerned I feel that the members of the House do come over here and express their wishes and I support that and I do the same when a bill is passed in this Senate I go to see House members. I think it's only fairness.

RECESS

OUT OF RECESS

Division: 8 Yeas.

12 Nays.

Motion lost.

Question is on the Committee Report.

Adopted. Ordered to third reading.

SB 74

authorizing the position of special assistant county attor-

ney to assist the county attorney to speed up the disposition of criminal cases. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President this bill is a fairly simple one that would authorize the county attorney in any county where there's a backlog of cases to be prosecuted to hire an assistant prosecutor to help him in order to relieve the backlog. And the assistant prosecutor would be nominated by the presiding justice of the county and would be approved by the county commission for that county. The assistant would be paid on a per diem basis which would be fixed by the county convention.

Adopted. Ordered to third reading.

SB 132

to exempt nonprofit health care facilities from provisions of the fair trade law. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill would exempt contracts between vendors and non-profit health care facilities from the provisions of the fair trade laws. There was no opposition to this bill and it was strongly supported by hospital administrators who merely permit hospitals to contain their rising cost with no adverse effect on New Hampshire merchants. I urge you support the committee report.

Adopted. Ordered to third reading.

HB 583

to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill provides for the pesticide surveillance scientist to perform the same capacity as the chief of biology in the absence of the executive director under the pesticide proposal. It merely adds five words to the existing statute. Because the chief biologist requires periods of replacement.

Adopted. Ordered to third reading.

SCR 7

regarding air operations over Cambodia. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President this resolution is on the

basis of memorializing our congressional delegation and the president opposing any action of the part of the United States in Cambodia. There was no great crowd of people to testify. We did hear from Mr. Parker who was in favor of the bill. Otherwise we are opposed to the concept of telling the federal government what to do in Cambodia. The committee votes the bill be inexpedient to legislate.

Sen. Spanos moved that the words ought to pass be substituted for inexpedient to legislate.

Sen. SPANOS: I am a member of the Rules and Resolutions committee and I was in the minority on this vote. This resolution which I prepared together with Sen. Foley and I know there wasn't any great crowd there at the hearing. There haven't been any great crowds at any of our Rules and Resolutions committee hearings. Some weeks ago this body considered to pass HCR 10 which commended the President of the United States for his efforts in obtaining the release of our prisoners of war and ending the United States' military involvement in South Vietnam.

On that day I offered an amendment to HJR 10 which asked that the president use his powers and authority to avoid a repeat of Vietnam in Cambodia and Laos. This amendment was defeated on the floor of this chamber mostly because the vast majority felt that the original resolution should stand as submitted by the House and that a separate resolution be submitted to concern itself with Cambodia and Laos. This is the essence of SCR 7. It asks the president and the congressional delegation to be mindful of Vietnam's lessons and to avoid the commitments of men and money to yet another Asian War. A war which divided our people, which cost us over 150 billion dollars, 50,000 lives and over 300,000 wounded. A war which kept us from resolving the problems of inflation, unemployment, drug abuse, pollution and the urban crisis.

Since January 27 — the Vietnam cease fire — the United States planes have dropped over 146,000 tons of bombs on Cambodia and Laos. They have made over 11,000 air strikes at a cost of approximately 260 million dollars. And do you know that we are supporting a dictatorship no different than the one we supported when we first became involved in Vietnam? The thing that bothers me the most is that there is no valid respon-

sible reason to be there. We have no commitments oral or written and our troops are no longer in Vietnam. And as far as keeping the regime of General Thieu we've already indicated when we removed ourselves from Vietnam that Vietnamization was working and the Vietnamese could protect themselves.

The people of America want out. The latest nationwide survey indicates Americans opposed to bombing in Cambodia and Laos by a two to one margin. And by the same ratio they think the bombing will lead us to reinvolvement in Southeast Asia. In addition, by an overwhelming majority the people want congressional sanction of further military action in Southeast Asia. It appears that in recent days the congress is reacting to the people's concern. The United States House of Representatives for the first time since our involvement in Vietnam has barked on its support in the Senate Appropriations Committee; yesterday unanimously voted 24 to nothing.

Let me read to you from one of your great statesman and one of the statesman in Washington, who said as follows: "Congress is not in the frame of mind to permit hostilities to continue and to get us drawn back into war. I have supported President Johnson for four years and four more under President Nixon — now I consider a new policy. We have brought our men home and have gotten all of our prisoners back. As far as I'm concerned I want to get the hell out of there as soon as possible and I don't want to fool around until they capture more prisoners." That was from Senator Norris Cotton. Despite this strong feeling of opposition back home, two of our congressional delegations support the continuance of bombing Southeast Asia and the present Secretary of Defense has indicated that no matter the legislation recently enacted which indicates disapproval of the senseless and inhumane bombing, bombing will continue.

I submit then, that the passage of this resolution will serve a very valuable purpose. It will put each and every one of us on record as to our own views on this important national issue and it will inform our congressional delegation and our President that there is a significant and powerful constituency in New Hampshire which opposes further involvement in this unnecessary and costly war. A constituency that wants a national leadership to turn its attention to the more pressing domestic needs of our country and a constituency which mindful of the words of the great historian who said, "those who fail to promptly ap-

praise the lessons of history shall be destined to repeat in its mistakes." I hope that you will support the substitute motion.

Sen. JACOBSON: I rise in support of the motion that Senator Spanos has made on a very simple reason. For over a decade we have been mired in the socio-political conditions of Indo-China. For ten years we extended resources, human beings and I'm not sure what the result was. Surely, we don't want to get our country mired into another circumstance such as we have had in the past ten years. The socio-political situation of Indo-China is extremely fluid. The average citizen in those countries does not know the difference between one side or another. Most of them would like to be left alone so they could work their rice paddies, raise their families and enjoy what meager existence they may have. I am hopeful that the Senate can support the motion of Senator Spanos as our testimony that we want to have the monies directed towards what I think are higher priority items.

Sen. PORTER: Mr. President, I rise in opposition to the motion by Sen. Spanos. I support the committee recommendation. In reality I concur with the resolve of the basic current resolution in that we memorialize to be ever mindful of Vietnam's lessons and the associated language. However, I oppose various "whereas clauses". I wonder if we have all the facts to make the decision. I think all of us should be mindful of the lessons of Vietnam and hope that we will not repeat it.

Sen. JOHNSON: Do we have copies of SCR 7?

The CHAIR: It should be in your book.

Sen. DOWNING: Mr. President I rise for the pending motion. With this resolution there is one basic thing — it calls for them to stop flying American boys over hostile territory. We just got people out of there. We saw the inhumane treatment they were subjected to. Let's let the government know that we don't want that to happen to any more American boys. If the people over there feel as if they have to continue to bomb each other then fine. But let's not be putting American boys over hostile territory where they will be subject to the things we have just been witnessing in the papers for the last several months. I urge you to approve the resolution.

Sen. POULSEN: Mr. President, I move in opposition to

Sen. Spanos' motion. I think we have no business whatever to be memorializing one of the things we don't even know. Who knows what the factions are and whether or not they are 80% of the country. I have no objection to memorializing against getting out of Cambodia but I certainly object to agreeing to these statements. I have no idea whether they are true or not. I am certainly not going to agree with them.

Sen. DOWNING: Senator do I understand you correctly that you think we shouldn't have our boys flying over this hostile territory?

Sen. POULSEN: I agree with that.

Sen. DOWNING: Why did you have this resolution in your committee? Why didn't you take the initiative to amend it so that we could take that step and let the federal government know how we felt and how you felt?

Sen. POULSEN: I would much rather see that resolution killed and an amended one put in.

Sen. DOWNING: Don't you really feel that this would accomplish the job and get the boys out of there?

Sen. POULSEN: Not to me it would not.

Sen. DOWNING: Don't you feel that in the past, you could clearly establish in the record why you did not agree with all the material in the resolution?

Sen. POULSEN: Undoubtedly if you offered an amendment to that I would have to go along with it.

RECESS

OUT OF RECESS

Division: Yeas: 12

Nays: 5

Resolution adopted.

Sen. Bradley wishes to be recorded in favor of the motion although he didn't vote.

SPECIAL ORDER 1:01

SB 15

relative to a statewide curfew of ten o'clock p.m. Ought to pass with amendment. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President, and members of the Senate, I felt that it was only right for me to move for the words ought to pass to be substituted for inexpedient to legislate because the amendment is now in the Journal. The amendment to SB 15, this amendment was drafted by the Judicial Council. I had submitted this amendment to the committee on the Judiciary and therefore the amendment was not adopted. But seeing that this bill had been referred by the Senate to the Judicial Council that I certainly felt that it was fair that I should say that the Judicial Council did make its report favorable to the curfew here in the state of New Hampshire.

Now in speaking in favor of the Judicial Council amendment I personally feel that the age of 21 has now been changed to the age of 18 in making the 18 year olds adults, that I certainly feel that SB 13 the way it has been amended by the Judicial Council is more in need than ever before, because there is no question about it that there is going to be a problem especially since the age has been reduced to 18 for drinking that we are going to be faced with problems with 14 and 15 and 16 year olds. Even though under this amendment those who are sixteen would be exempt.

RECESS

OUT OF RECESS

Sen. Bossie moved that SB 15 be indefinitely postponed.

Sen. BOSSIE: Mr. President, it was felt by the committee that this should not be made a law but should be a matter of local concern, where the local towns and cities should set their own curfews if they so desire. It is for this reason that I wish to indefinitely postpone. What we have done in the city of Manchester in one instance in which the Senator from Berlin could do if he so desired, and that's in the past year, an ordinance was before the mayor and aldermen which a curfew was set at the hour of ten o'clock due to some problems in our city parks. At that time I was serving as an alderman. I opposed this and I amended it and it was adopted to eleven o'clock, so in the city of Manchester we feel it should be eleven. Yet in the city of Dover or Berlin or Salem, if you want it nine o'clock, it should be up to your own discretion. We know what the individual problems of our cities and towns are as far as a curfew problem.

So with this in mind I'll ask the Senate to concur with my motion.

Sen. LAMONTAGNE: Sen. Bossie you are an attorney, am I right? Now how would you set up a curfew in a town that is unincorporated?

Sen. BOSSIE: Why don't you propose a new bill to provide a ten o'clock curfew in unincorporated towns? And let me tell you as an attorney, I have never represented anyone for a violation of a curfew.

Sen. LAMONTAGNE: Senator, you are a member of the Judiciary committee where this SB 15 was sent to?

Sen. BOSSIE: Correct.

Sen. LAMONTAGNE: Then why is it that you knew of the intent and that unincorporated places cannot set up a curfew, then why didn't you as a member offer the amendment to amend this bill?

Sen. BOSSIE: I might ask you why didn't you propose it?

Sen. S. SMITH: Senator, this amendment which you have on this, does the bill with the amendment when passed still mean that there is a statewide curfew?

Sen. LAMONTAGNE: The way the amendment is, yes.

Sen. S. SMITH: Senator, do you believe in home rule?

Sen. LAMONTAGNE: Senator Smith let me tell you that I am a great believer in the home rule bill in fact I voted for it. But it's too bad because the unincorporated places cannot adopt home rules.

Sen. S. SMITH: Who's going to enforce it in the unincorporated areas?

Sen. LAMONTAGNE: It would have to be State Police.

Sen. PRESTON: The local towns near the beaches have tried to enforce their own regulations and I really think that it should be a matter of relative determination. If you could imagine some ten thousand youngsters from out-of-state visiting from Canada and other states in the United States and trying to tell sixteen year olds that after ten o'clock they have to go home would be totally unenforceable and I think that it should be at matter of local determination.

Sen. BLAISDELL: Mr. President, members of the Senate, I rise in support of the Senator's motion. I have a bit more faith in the views of our State Police. I see no need for this curfew and if we do need it then I think that I should propose it for Keene and Senator Lamontagne should propose it for Berlin. I believe in home rule.

Sen. POULSEN: This is only to reassure myself, Senator Bossie, are you or are you not opposed to home rule? I understood a little while ago that you wanted to mandate.

Sen. BOSSIE: I think the question is in reverse now. I believe in certain instances that there should be home rule as in matters of local concern such as this.

Sen. JOHNSON: I have listened to the comments about the beach and living near the beach and being on the Seacoast committee, how would you go about these kids running up and down the beach?

Sen. LAMONTAGNE: If you have enough enforcing officers to enforce the law.

Adopted.

SPECIAL ORDER 1:02

SB 5

to provide recognition of the war service of residents of this state who served in the armed forces of the United States during the Vietnam conflict; and making an appropriation therefor. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. Lamontagne moved that SB 5 be referred to the Finance committee for study.

Sen. TROWBRIDGE: Mr. President, I sympathize with the sponsors of that bill. One of the problems of SB 5 is that it doesn't have in it the mechanism for the deduction by which the former Korean bonus was financed. The reason it doesn't have that deduction is that the deduction is still out and never came back. However, I think that at some point it will be interesting to see what other mechanisms there are for a veteran's bonus or maybe not in cash but in some other way or awarding the Vietnam veterans some recognition. And I think that the fiscal committee which does meet in the interim period would be an appropriate House-Senate joint group to study this and

come back with a recommendation. So that's why I think that this is something that I can support.

Adopted.

SPECIAL ORDER 1:03

SB 90

relative to the termination of parental rights. Ought to pass with amendment. Sen. Gardner for the Committee.

AMENDMENT

Amend RSA 170-C:5, as inserted by section 1 of the bill, by striking out all after paragraph III and inserting in place thereof the following:

IV. Because of mental deficiency or mental illness, the parent is and will continue to be incapable of giving the child proper parental care and protection for a longer period of time than would be wise or prudent to leave the child in an unstable or impermanent environment. Mental deficiency or mental illness shall be established by the testimony of either two licensed psychiatrists or psychologists.

Amend RSA 170-C:10, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

170-C:10 Hearing. Cases under this chapter shall be heard by the court sitting without a jury. The hearing may be conducted in an informal manner and may be adjourned from time to time. The general public and any member of the news media shall be excluded, and only such persons admitted whose presence is requested by any person entitled to notice under RSA 170-C:7 or as the judge shall find to have a direct interest in the case or in the work of the court; provided that persons so admitted shall not disclose any information secured at the hearing which would identify an individual child or parent who is involved in the hearing. The court may require the presence of witnesses deemed necessary to the disposition of the petition. When termination of the parent-child relationship is sought, the parent shall be notified at the same time that notice of the hearing is provided to the parent, and prior to the start of a hearing the parent shall be notified of his right to have counsel, and if counsel is requested and the parent is financially unable

to employ counsel, counsel shall be provided by the court. The court's finding with respect to grounds for termination shall be based upon clear and convincing evidence, provided that relevant and material information of any nature, including that contained in reports, studies or examinations, may be admitted and relied upon to the extent of its probative value. When information contained in a report, study or examination is admitted in evidence, the person making such a report, study or examination shall be subject to both direct and cross-examination if he is residing or working within the state, or if he is otherwise reasonably available.

Amend RSA 170-C:11, IV, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

IV. Where the court does not order termination of the parent-child relationship, it shall dismiss the petition, provided however, that where the court finds that the best interest of the child requires substitution or supplementation of parental care and supervision, it shall make an order awarding guardianship, with the division of welfare or an authorized agency and fixing responsibility for temporary child support.

Amend RSA 170-C:12, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

170-C:12 Effect of Decree. An order terminating the parent-child relationship shall divest the parent and the child of all legal rights, privileges, duties and obligations. A guardian appointed under this chapter may give his consent to the adoption of such child in lieu of the parents whose parent-child relationship has been terminated by the decree of the court. The rights of inheritance of both the parent and the child shall not be divested until the adoption of said child.

Amend RSA 170-C, as inserted by section 1 of the bill, by striking out all after RSA 170-C:15.

Amend RSA 170-C:5, V, as inserted by section 1 of the bill, by striking out the same.

Sen. GARDNER: Mr. President, this bill resulted from the study on the government's commission on laws effecting children. It was well represented by the Department of Welfare,

Family Services, Catholic Charities, New Hampshire Congress of Teachers, foster parents and adopted parents. There was no one in opposition to the bill. As you know it has to do with termination of parental right. Termination may be undertaken only when adopting of the child is contemplated. The first you see is the purpose and the next is definition. Legal custody is spelled out. This involved the Department of Welfare, Catholic Charities, Child and Family Services, whoever the courts allow the custody to. Nothing is changed in the bill. When you come over to jurisdiction it's in the probate court. But under C5 there is an amendment. The amendment is in C5-2.

Amendment adopted. Ordered to third reading.

SPECIAL ORDER 1:04

SB 65

to require that all motor vehicles and trailers operating on the highways be equipped with tires meeting certain safety standards. Ought to pass with amendment. Sen. Lamontagne for the Committee.

Sen. Lamontagne moved that SB 65 be recommitted to the committee on Transportation.

Sen. S. SMITH: Mr. President, if this motion is defeated I will move that SB 65 be indefinitely postponed. It seems to me that we have had this bill committed and recommitted. That we had it as a special order last Thursday night and the amendment was all fouled up. We had it again today and I don't know what this amendment does. Well, it seems to me what this bill does whether amended or not is to make it mandatory to put three dollar tires in the trunk as spares with a two-thirty seconds tread as suggested by the Director of Motor Vehicles. And I think that this has been before the Senate many times and I hope the motion will be defeated.

Sen. TROWBRIDGE: I'd just like to speak in favor of Senator Smith who is saying that we do not vote to recommit on the theory that I think this bill has already been indefinitely postponed.

Sen. LAMONTAGNE: Senators, let me tell you that this was an honest mistake. Someone did put the same amendment that was in question before and therefore, the majority of those

that were in favor of this bill was that they wanted the words — a spare tire. It was discovered that the wishes of those that supported that change, that it was not in the amendment and therefore the amendment was not correct, but somehow this amendment goes into the Journal which is the wrong amendment. And I think it is only fairness that the right amendment should be before the Senate whether you support it or you defeat it. I think in fairness, you do owe our committee a chance to put the amendment as was proposed, a spare tire and not a safety tire as the amendment says.

Sen. S. SMITH: I would just like to say this bill has been in various sessions and I think that it is an imposition on the people of this state to require that they carry a spare tire that meets the full requirements of a tire that is being used on the highway. It is also a tire that can be taken from one car to another. Nobody knows whether the tire is in the trunk throughout the whole period between inspections or not and I think that this is useless legislation.

Division: Yeas 8; Nays 9.

Motion lost.

Sen. S. Smith moved that SB 65 be indefinitely postponed.

Roll Call requested by Senator Lamontagne.

Seconded by Senator Poulsen.

Yeas: Sens. S. Smith, Green, Spanos, Blaisdell, Trowbridge, Porter, Brown, Bossie, Johnson, Preston.

Nays: Lamontagne, Poulsen, Gardner, Claveau, R. Smith, Sanborn, Provost, and Downing.

Result: 10 Yeas; 8 Nays.

Adopted.

COMMITTEE REPORTS (Continued)

HCR 13

memorializing the Congress of the United States not to rebuild North Vietnam. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President this is a bill which me-

morializes Congress to be in opposition to rebuilding North Vietnam. I don't think any of the committee wants that we should build North Vietnam but we had only one person appear to testify. We believe that it wouldn't do any good to send this resolution to Congress and we are sure that they are not going to rebuild it unless it is necessary under some commitment. We are sure there is no love lost. We certainly haven't any. And we are opposed to this resolution.

Sen. BLAISDELL: I move that the words ought to pass be substituted for the words inexpedient to legislate.

Sen. BLAISDELL: I can only say that the majority of people in our state are against any form of rebuilding Vietnam. Our congressional group in Washington I think is waiting for us to tell them just how we feel. And I'd like to see this resolution passed.

Sen. LAMONTAGNE: I move that HCR 13 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, I personally feel that I think we have our United States Senators and I think we have our Congressmen and I'm sure that they know what's best in representing us in New Hampshire, and I have full confidence in all of them in Washington. And therefore I think that this is a matter that should be left to them.

Sen. PRESTON: Mr. President, I read the questioning and HR 11 has got to be HCR 13.

Sen. PORTER: If I may clarify that, that was an error that was made in the House Journal printed HCR 13, however.

Sen. BROWN: Mr. President, I rise in opposition to the present motion. I feel that we should make our voices heard down in Washington. With the money that North Vietnam has cost us in the last decade, I feel that we are under no obligation to rebuild Vietnam. And I think we should have our voices heard down there.

Sen. JACOBSON: Mr. President, I would normally be opposed to this but I am supporting this motion because I'm deeply disturbed about what has happened after the cease fire. And I think before we commit ourselves to any kind of rebuilding I think that we have got to get a situation where there's going

to be some serious responsiveness on the part of North Vietnam. In one very serious incident a helicopter was shot down with members of the truce team killed. And I think we have got to get out some serious kind of response for stabilized peace. I don't think we ought to commit ourselves to rebuild it.

Sen. S. SMITH: If by the passage of this resolution, doesn't that indicate that we are continually in favor of non-rebuilding in North Vietnam?

Sen. JACOBSON: Well, Senator I would regard this resolution as the condition at this moment of history. If the condition should change then I will consider another resolution.

Sen. S. SMITH: If after July 1, the situation should change, would you then not have the opportunity to change this resolution.

Sen. JACOBSON: Are you predicting my defeat for reelection?

Sen. S. SMITH: The question is that would we not be in session so that we could not change our vote on the passage of this resolution.

Sen. JACOBSON: But if the good people of the seventh district are willing to return me so that I can come back on January 1, 1975 why then I'll have that opportunity will I not?

Sen. S. SMITH: But the damage passed with this resolution would be in effect between now and 1975. Well, Senator, if we have lost the negotiation between the North Vietnam and the United States over the past four years beginning in 1968 then I think these same people will still be negotiating on Jan. 1, 1975.

Sen. LAMONTAGNE: Mr. President, I rise in opposition to the pending motion. I personally feel that we are tying the hands our Congress and at the same time how many of us know what the talk was at the times that promises must have been made for peace and therefore by turning around and sending this type of resolution which you will not have the opportunity of changing because or unless there is a special session which might be possible. But again this is guesswork. But as far as I'm concerned there must have been some kind of commitment in order to get peace. I think it is wrong to send this kind of resolution to Congress.

Sen. SPANOS: I rise in opposition to the motion offered by Senator Blaisdell for two reasons. One is that I'm not quite sure that I subscribe to the philosophy of the resolution itself. And I'm not too sure that there isn't a moral justification. In view of the fact that almost everybody has concluded to this day that there was no right to be involved in Vietnam. Everybody seems to be saying that we shouldn't have been there in the first place. So I'm not quite sure that the moral values are not there in rebuilding North Vietnam. But that's not really the point. The major reasons why my opposition is that I do feel like Senator Lamontagne indicated that we are involved in a continuing evolution of finding peace in Cambodia, Laos and Vietnam, and I am sure that one of the considerations for the cease fire was promises made by the U. S. to help rebuild Vietnam. So we have that commitment which I'm sure was there. And in fact, I'm sure that the President indicated that himself in his television speech. But even if that's not the case, if we are going to ever end that thing in Southeast Asia, we are going to have to do it by at least having this avenue of holding it out to the North Vietnamese that we can conclude if you guys will stop sniping away and truly go by the cease fire agreements we will rebuild your nation. I think we should leave that carrot as Sen. Smith so ably indicated.

Sen. TROWBRIDGE: Senator Spanos, do you really think that if the President of the United States has made a commitment that we don't know about that the Congress is going to take this expression of the people in New Hampshire, unsubtle as we may be, and hold that as binding them from going through with this carrot?

Sen. SPANOS: I don't think so. But what I think it does is that it adds import to and strength and courage and perseverance to the delegation to hold out for a thing like this. If this state and many states seem to feel this way about it, then you have a hardening of attitude, and we are going to end up like we did after World War II.

Sen. LAMONTAGNE: Senator, wouldn't you feel that a resolution of this type going to Congress would tie up the hands of the delegation?

Sen. TROWBRIDGE: Not one bit. I think what it does is show them that we believe, the people of the State of New

Hampshire do not want to participate in the rebuilding of North Vietnam and that they as Congressmen representing us should not be in favor of this unless something comes in that we don't know about and in that case I'm sure that they would exercise their judgment, just as you exercise your judgment here when your constituent says don't do that and you know something better.

Sen. DOWNING: Mr. President, I rise in support of the pending motion. I don't see where passing this resolution is going to be any different than passing a resolution to indicate our feelings relative to the continued bombing in Cambodia. Or relative to our feelings on the return of the prisoners. This indicates what the people of New Hampshire are thinking. I'm sure that the commitments made by the Federal government will be followed through but it is important that we let them know just how we feel. I support the motion.

Sen. SANBORN: I think that this is a worthy motion at this time and that we have more of a moral and legal obligation to take care of our own — numerous sons and daughters who have been killed and made the supreme sacrifice and also those who have been wounded and maimed in hospitals. We have more of an obligation to them to see that they are rebuilt and returned to a normal society than we have to rebuild North Vietnam and I support Sen. Blaisdell's motion.

Sen. CLAVEAU: I rise in support of the pending motion. I don't like the idea of rebuilding North Vietnam for any reason.

Sen. S. SMITH: I rise in opposition to the pending motion. I do so because I feel it indicated before that this is a highly fluid situation and as Senator Spanos so ably said that we do not and should not under any conditions attempt to freeze our positions and oppositions and I would go back to what Senator Sanborn said relative to the restructuring of Germany during WWII. Germany has been an ally and one of the closest friends of the United States in the past years as has Japan. I think that these actions which are highly filled with danger should be left and not voiced at this time.

Sen. CLAVEAU: Financially how much can we stand? We are always talking about taxes and the cost of living and here we are talking about spending money, billions of dollars on a

country that has been our enemy. How much do you think that the people can stand?

Sen. S. SMITH: I am not saying that we should or that we shouldn't. I'm saying that it should be a fluid situation and left for the people who are more knowledgeable in this area. We are here to evaluate the situation.

Sen. PRESTON: I think it would be more helpful to the political figures in Washington if we pass this on to them that a particular segment of the people of New Hampshire think that we feel this way.

Division: Yeas 9.

Nays 10.

Motion lost.

RECESS

OUT OF RECESS

Resolution adopted.

HCR 15

relative to the Isaac Hill mansion. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, HCR 15, I do find one thing in the resolution that may possibly torpedo it. I see this Isaac Hill was a member of President Jackson's personal cabinet — now I don't know what the indications of that are but I'm fearful. This resolution only asks that the General Court urge the New Hampshire Historical Society, the New Hampshire Historical Commission, and the Historical Society in general, to memorialize the Isaac Hill mansion which is even now being torn down. We urge the passage of this resolution.

Sen. JACOBSON: Mr. President, I'd like to rise in wholehearted support of this motion from the point of view of being an historian. I think that it is a tragedy that the process is already taking place. Isaac Hill was one of the great prominent figures in the state of New Hampshire and if you read what was the grandfather of the *Concord Monitor* you can read all of his words back 1815 to 1830 or so. So that I want to be recorded as supporting wholeheartedly this resolution.

Sen. SPANOS: Senator Jacobson, do you realize that when you mentioned that the fact that he was prominent with the *Concord Monitor* that you lost about twenty votes?

Adopted.

Sen. SPANOS: I move reconsideration on SCR 7.

Motion lost.

SPECIAL ORDER 1:04

HB 260

limiting to two sets the number of legislative registration plates. Ought to pass with amendment. Sen. Downing for the Committee.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Legislative Plates; Limitation. Amend RSA 260:10, as amended, by striking out in lines four and five the words "or their spouse"; by striking out in line six the words "or their spouse"; and by inserting in line eleven after the word "departments" the following (The director shall not issue to members of the general court more than two sets of special plates. Such special plates may be attached only to vehicles registered in the name of a member of the general court or his spouse or to any other vehicle while being operated by such member.) so that said section as amended shall read as follows:

260:10 Special Number Plates. Upon payment of motor vehicle registration fee, if any, the director may issue a special plate, to be designated by him, to be affixed to the vehicle of the governor, the members of the governor's council, president of the senate, members of the senate, speaker of the house of representatives, members of the house of representatives, the attorney general and his deputy, county sheriffs, deputy sheriffs, and vehicles of state police and motor vehicle departments. Said special plates shall be issued at no cost to the state other than those plates furnished to the governor, the members of the governor's council, the president of the senate, speaker of the house of representatives, state police and motor vehicle departments. The director shall not issue to members of the general court

more than two sets of special plates. Such special plates may be attached only to vehicles registered in the name of a member of the general court or his spouse or to any vehicle while being operated by such member.

Sen. DOWNING: Mr. President, HB 260 merely limits the number of legislative number plates that will be issued. There's no limit on them now and there is a feeling that this has been somewhat abused and every member of the family has a set of plates on his automobile. They have agreed on a two set limit, which makes it possible for a legislator to use the other set when he is the operator of that vehicle. I urge your support.

Amendment adopted. Ordered to third reading.

HB 393

providing for rules of professional conduct in the practice of land surveying. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill does the same for professional land surveyors as is now done for professional engineers. The registration committee has the right to receive written complaints and to either dismiss them or act on them in either suspending or revoking licenses. I support this bill.

Adopted. Ordered to third reading.

SB 125

making an appropriation for the expansion of the state park system. Ought to pass. Sen. Preston for the Committee.

RECESS

OUT OF RECESS

Sen. PRESTON: SB 125 seeks the appropriation and expansion of the state park system. This is similar to a bond issue of some ten years ago that was used for capital improvement in the state park areas. The passage of the SB would permit the Commissioner of Parks to activate many plans that they have for developing park facilities which came under this original ten year special park bond in '61. The tremendous increase and demand for clean park and recreational sites new development is urgently needed.

The original bond issue written much as is proposed under SB 125 allowed for state acquisition and expansion of many different park and forest reservation properties such as: Pisgah (Southwestern State Park), Pillsbury, Ossipee Lake, Odionnes Point, and Pawtuckaway. These facilities have only partially been developed.

Plans and specifications for needed expansion were undertaken under the life of the original ten-year bond issue and these plans and specifications are now available after having been developed by the Office of Special Services, Department of Public Works and Highways. Both Parks Director Hamilton and Special Services Engineer Mal Chase detailed to the Committee how this special bond issue could be put almost immediately to work on implementing plans on file. For example, Pisgah (Southwestern State Park) is now in a position where development could and should occur. Expansion is needed at Pawtuckaway which is getting very heavy use in the central part of the state. Crawford Notch State Park needs new camping facilities. Improvements are needed on the seacoast to handle increased attendance.

It is intended that this proposal be handled over a ten-year period as was the original bond issue. Commissioner Gilman of the Department outlined the procedure to be followed were these funds to be made available which would be that we would go to existing parks, carry out development plans on hand with permission of Governor and Council, and that public hearings would be held to recognize the needs of the different areas of the state.

We urge your passage of this proposal which will once again give the Parks Division in the Department of Resources and Economic Development a chance to catch up with the increasing demand on park and recreational sites occasioned by New Hampshire residents and visitors to our state.

Sen. TROWBRIDGE: Even though this goes to Senate Finance it would be terribly interesting to make sure that the Senate wants it to go to Senate Finance. Do you realize that if it's a ten-year bond issue that this will mean a bi-annual cost of something like two and one-half million dollars that's going to have to come out of the twelve to thirteen million dollars that is available so says Arthur Drake. That on a ten-year issue

you are placing a burden of at least a million a year. Right? Plus the interest thereof of about 250,000 so that if they're 2.5 million over the biennium, it's a big chunk of your available spending that you are automatically making a decision on by passing that bond issue. You realize that?

Sen. PRESTON: Yes, if and when decisions are made we recognize that there would be these costs.

Sen. SANBORN: I understood you to say that Commissioner Gilman was there and spoke in favor of this bill. In his mentioning of the decreasing of the facilities of the several park areas did he give any idea of what we could expect of increase in income from the expansion?

Sen. PRESTON: No, he did not go into that, specifically. He did mention that in some of the state park areas they have some funds available that they can't use. They want to use some of the money for access roads, for improvements and he did not detail the additional revenues that might be available.

Sen. SANBORN: Well, isn't it true Senator that there's a case in Pawtuckaway that, and I've seen some of the maps on the proposed expansion, if I'm not mistaken the plans are to a little more than double the parking area for trailers for those people who will come in and spend one or two weeks at a time. Won't this help the income that the state has seen from that park?

Sen. PRESTON: I can't say that this will double the income, but you are correct. They are providing as many facilities as they could for the money they had. That's a correct assumption.

Sen. SANBORN: Mr. President, I'd personally like to see this bill go to Finance and allow the Finance to find out from DRED and so forth just how much added income we could expect in the state and that way we could better tell whether we should go for this bond issue or not. It's evident from what we have heard so far that no estimates of income have been received. And when we do find out what we can get for money out of improving these parks that perhaps we can have a better idea of whether we can afford a five million dollar bond issue or not.

Sen. PRESTON: I would just like to say this that Commis-

sioner Gilman and Mr. Hamilton will appear before the Senate Finance Committee if you so desire to get into the specific plans and proposals at that time.

Sen. TROWBRIDGE: Mr. President I don't mind at all being sent to Senate Finance. I just want to bring out to the Senate some realization of what this cost is going to bring. I believe that it would be around a 610 to 625,000 dollar a year project, rather than a million and I think that the Senate should still realize that when they vote this to Senate Finance that they are eating up, if they want this to pass, much of the budget. You have to make sure that you make the decision here now as you said.

Sen. JOHNSON: Senator Preston, does this bill define the length of bonds?

Sen. PRESTON: I think that Senator Trowbridge, had better explain that.

Sen. TROWBRIDGE: We have a statutory provision that says that unless otherwise specified all state parks shall be for 20 years. I refer to RSA 6A in the bill that is the section that says 20 years.

Sen. JOHNSON: Senator do you think that this bill should be allowed to go for twenty years or left to Finance's judgment?

Sen. TROWBRIDGE: It would depend on your revenue estimates, wouldn't it?

Sen. BLAISDELL: Mr. President, I want to rise in support of SB 125. We know there's some money and we believe that if we could get into Finance then there would be an opportunity to bring in DRED, Mr. Chase, and we would hope that the Senators would come down and listen to it.

Sen. PRESTON: I think that we are not taking into consideration the additional revenues that will be generated by the improvement for these facilities.

Adopted. Referred to Finance.

HB 13

prohibiting motor boats powered by fuel on Brindle Pond. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 13 was introduced

by Representative Roberts from Belknap District 4. This bill prohibits the use of petroleum powered motor boats on Brindle Pond in Barnstead. It does not effect the right to use boats powered by any other source. Rep. Roberts is the selectman of the town and the conservation commission of this town are all in favor of this bill. The committee was unanimous and it ought to pass.

Sen. SMITH: Your explanation was very good Senator. But the title of the bill is rather confusing to me. It says that it prohibits a motor boat powered by fuel on Brindle Pond. What kind of motor boats operate without fuel?

Sen. BLAISDELL: Electric motor sir.

Adopted. Ordered to third reading.

HB 667

to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 667 was introduced by Representative Huggins of Coos county, District 1. And it's an act to prohibit the hunting of wild birds within fifty feet inland from the shoreline of Back Lake up in the town of Pittsburg. Rep. Huggins said in committee that everyone in that area around that lake was in favor of this bill and the committee was unanimous in voting that it ought to pass.

Adopted. Ordered to third reading.

HB 398

prohibiting the use of certain types of traps. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 398 was introduced by Rep. Thomson of District 7. It's an act prohibiting the use of certain types of traps. The reason for this bill is that dogs and other domestic animals have been caught in these big traps and I can tell you this from personal experience that they are deadly. The Fish and Game committee favors this bill and the committee was unanimous in voting for this.

Adopted. Ordered to third reading.

HB 308

relative to the income and operating charges of state build-

ings at Eastern States Exposition. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, HB 308 pertains to the state buildings at the Eastern States Exposition. This building is used just during the exposition. If this bill is passed it will give the Commissioner of Agriculture the right to lease or rent this building during the remaining part of the year for added income to help defray operational costs and also help with the badly needed repairs. This bill will also allow a 2,000 dollar a year fire premium to be dropped.

Adopted. Ordered to third reading.

SPECIAL ORDER 1:05

SB 59

providing that no criminal penalty shall be imposed for failing to yield the right of way at an intersection. Ought to pass. Sen. Bossie for the Committee.

Sen. Bossie moved that SB 59 be referred to the Judicial Council.

Adopted.

ANNOUNCEMENTS

The CHAIR: The chair announces for purposes of appointments Senators Bossie and Roger Smith as official members of the legislative committee to study State Prisons. This is at the suggestion of legislative leadership. I would like the three Senate members to continue separate reports to us on the progress of this committee.

Because of the pending deadline we will be in session four days next week, Monday through Thursday.

Sen. Bossie moved that the Senate, now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

LATE SESSION

Third reading and final passage

SB 97, relative to the discipline of students on school buses.

HB 352, relative to statewide school food and nutrition programs.

SB 142, amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board.

SB 74, authorizing the position of special assistant county attorney to assist the county attorney, to speed up the disposition of criminal cases.

SB 132, to exempt nonprofit health care facilities from provisions of the fair trade law.

HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director.

SB 90, relative to the termination of parental rights.

HB 260, limiting to two sets the number of legislative registration plates.

HB 393, providing for rules of professional conduct in the practice of land surveying.

HB 13, prohibiting motor boats powered by fuel on Brindle Pond.

HB 667, to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg.

HB 398, prohibiting the use of certain types of traps.

HB 308, relative to the income and operating charges of state buildings at Eastern States Exposition.

Adopted.

Sen. BOSSIE: I move Reconsideration of HB 352.

Motion lost.

Sen. GREEN: I move Reconsideration of SB 42.

Motion lost.

Sen. Claveau moved the Senate adjourn at 5:10 p.m.

Thursday, 17May73

Welcome by Senate President David L. Nixon.

President NIXON: Ladies and gentlemen, it is my honor as the President of the Senate to welcome you to the Senate session in the beautiful Town of Hanover. We appreciate very much the courtesy and the hospitality that you have extended to the New Hampshire Senate. As you know, this meeting tonight is part of the program whose idea originated with Senator Fred Porter of Amherst and elaborated on by Senator Rob Trowbridge of Dublin, whereby the New Hampshire State Senate in commemoration of its 190th anniversary, is attempting to bring the government back to the people, in some degree at least by travelling around to the various towns in the state, in gymnasiums, halls, schools, and the like. The idea was to give more New Hampshire people an opportunity to see at least to some extent, how their government works and see that the government is not mysterious, is not all wise and is not perfect. Although the idea did not evolve at the time of its origin, of restoring confidence in government to a great degree, certainly the developments which we have experienced since the first of January has brought the more important item of citizens having an opportunity to realize that government isn't all bad, the people that serve government at least the State Senate who get paid \$100.00 per year aren't all bad.

So with those few words, it is my honor at this time for the purpose of the introductory part of our business meeting here tonight, which will be after the introduction, a New Hampshire Senate session with all of the faults, all of the mistakes, if you will, but hopefully with some degree of dedication. It is my honor to introduce for the purpose of presiding for the first part of this meeting the Senator from this district, Senator David Hammond Bradley from Hanover who is the Chairman of the Judiciary Committee in his first term of the Senate and a friend and a good Senator and certainly a good representative of his district, Senator Bradley.

Sen. BRADLEY: Thank you President Nixon, David Nixon.

(Sen. Bradley in the Chair)

Posting of the Colors, American Legion Post 22, Guyer Cardigan, Brian Preston, Commander of Post.

Prayer was offered by Rev. Park P. Dickerson.

Almighty God, we are grateful for the opportunity we have as citizens to govern ourselves. We thank You for those who down through the years have shaped the governing process so that the will of the people might be expressed and implemented. We are mindful of those who have struggled so hard against the force of indifference and self-interest to make the system work justly and fairly for all.

Help each of us to be responsible citizens. May we not neglect the duty to keep informed about the issues which confront our common life. Give us the courage to make our views known to our elected representatives. When they have acted courageously and wisely let us congratulate them, and when they have not may we have the boldness to call them into account.

We ask, O God, that the senators of this state may have Your guidance and direction as they meet in our community this evening. May those who represent the people of this state be responsive not only to the wishes and needs of their constituents but also to the good of us all. In their deliberations may issues be clarified and new understandings gained so that the actions they take will be in the best interest of all New Hampshire citizens — the rich and the poor, the young and the old, the powerful and the weak to the glory and honor of Your holy name. Amen.

Pledge of Allegiance was led by Tod Gulick, Moderator of Board, Hanover High School.

TOD GULICK: On behalf of the Student Body I would like to welcome the New Hampshire State Senate to Hanover High School.

Sen. BRADLEY: Thank you Tod. There are many times that I wish Senators could be as brief and to the point. I would now like to recognize the Chairman of the Board of Selectmen of Hanover, Ed Brown.

MR. BROWN: It is my special privilege on behalf of this Town to express our pleasure for the honor of hosting this meet-

ing of the New Hampshire Senate. It is also some sense of relief that I am able to do this because according to my diary or someone's diary some 175 years have elapsed since the last session was held here and for about eight generations we have wondered why you hadn't called, we wondered if the wrong words were said or perhaps that you didn't care. At any rate we are delighted to have you here and we hope that it won't be considered habit forming to return and give us the privilege of hosting you again. On behalf of the Town of Hanover we are delighted to have you here and we hope that you have a brisk and profitable session.

Sen. BRADLEY: I would now like to call upon Mr. Greenwood who is the assistant principal of Hanover High School.

MR. GREENWOOD: On behalf of the student body and the staff and the administration of the high school we certainly feel that it is a privilege to extend a welcome to such an important meeting as the New Hampshire State Senate. We feel deeply honored that this high school was chosen from the upper valley site for such a meeting. I must confess that being in business administration I also welcome the opportunity that adults and students members of this community can get a first hand observation and important insight into the procedures and the goings on of an important decision-making body in the state of New Hampshire. Welcome.

Sen. BRADLEY: There are a number of guests that I would like to recognize: We have at least one former state senator, Robert Monahan, there are a number of representatives, the first one that comes to mind is the other Bradley, David J. Bradley, Mary Chambers, Lawrence Radway, Madeline Townsend, Harlan Logan, Sally Townsend, Neil Bertum, Marion Copenhaver, Carl Altman, Arthur Thompson and our Commissioner of Health and Welfare, Gerry Zeiller. Senator Nixon will pick me up if I have missed someone.

We are privileged to have with us tonight Professor Herbert W. Hill who will give us a few brief remarks concerning the history of the Senate.

PROFESSOR HILL: The relations between Hanover and the government of New Hampshire were at first very close. The royal governor, Sir John Wentworth, was ex officio a trustee of Dartmouth College, and even built a road to Hanover to attend

the first Commencement in 1772, coming with several of his legislators.

When the Revolution began, however, the new government paid less attention to the Connecticut Valley — it was too far away — and in the new legislature Hanover shared one seat with five other towns. Its leaders were annoyed, and helped organize the towns as Dresden, Vermont, starting a quarrel which lasted until 1782 when we ended as Hanover, New Hampshire.

The College invited New Hampshire's Presidents, famous in its history, John Langdon, General John Sullivan, and Josiah Bartlett, the signer of the Declaration of Independence, to be trustees ex officio, and even gave two of them honorary degrees — but, probably remembering Dresden, they did not accept; nor did Bartlett bother to answer the letters.

In 1794 however, John Tyler Gilman of Exeter was elected governor and things changed. Gilman was a friend of John Wheelock, president of Dartmouth, of John and Samuel Philips of Exeter and Philips Exeter Academy, who were trustees of Dartmouth, and his son was at Dartmouth. He accepted the trusteeship, came to commencement, and was given an honorary master of arts degree, thus starting a long tradition. Re-elected in 1795, he apparently wanted to show closer ties, doubtless encouraged by Hanover's State Senator Jonathan Freeman, with a local record of four terms in that office who was also a trustee of the College.

At any rate, he came here with the whole General Court on June 3, 1795 for the spring session, and was inaugurated in the College Chapel on June 5 for the second of his 14 years in the high office of governor — a record we hope will not be broken. Incidentally, he was made a life trustee in 1807 and was loyal to John Wheelock in the years of the controversy over the new charter until he resigned in 1819.

As for the General Court of June 1795, it stayed here until June 18, a full session for those days, devoted to small private bills, to consideration of new canals and bridges, and to the regulation of the militia. The inaugural sermon was not apparently published. After some discussion of Amherst, Hopkinton and Portsmouth, it adjourned to meet next in Concord in December — there was as yet no capital.

Once again, in its 190th year, the Senate meets in Hanover, with Senator David Hammond Bradley as its host. In all, 13 of Hanover's citizens have been in the Senate; six in the early years and seven in the 20th century — Senators Howe, Frank Musgrove, Arthur Fairfield, Alfred Guyer, Robert Monahan, William Johnson and David Bradley.

What you will do here we do not yet know, but don't forget we are glad to have you again, and that it was Hanover who insisted on the present constitution, and the representation of all possible towns in the General Court. Perhaps you can pay them back in part by approving the bill to buy all that land for future generations to enjoy — the Gile Forest. In any case, good luck.

Presentation of Resolution to Howard Townsend.

Sen. NIXON: Senator Townsend, husband, father, farmer, there are some who might forget but as you well know, the Senate does not forget and it takes care of its own. In that respect, I have the honor on behalf of the New Hampshire State Senate to read this resolution which will be made part of our permanent records and that will be presented to you.

RESOLUTION

Know All Men By These Presents That Whereas, this New Hampshire State Senate meets in Hanover, New Hampshire on this evening of May 17, 1973 in observance of its 190th Anniversary and for the first time since the year 1795; and

Whereas, Howard C. Townsend of Lebanon has served the City of Lebanon as a charter member of the Lebanon City Council from 1959 to 1969, a record number of years of such service; and

Whereas, he has served this area of New Hampshire as its State Senator from 1967 to 1972; and

Whereas, he is the sixth generation in his family to have worked the Townsend Farm in Lebanon, beginning even before the Birth of the State of New Hampshire and the United States; and

Whereas, he has been a leader in farm activities throughout his life, including holding the office of President of the Grafton County Farm Bureau; and

Whereas, his farming and political career has culminated in his being appointed the Commissioner of Agriculture for the State of New Hampshire in 1972; therefore let it be

Resolved, that this historic session of the 1973 Senate presents this

CERTIFICATE OF COMMENDATION

TO

HOWARD C. TOWNSEND

for his meritorious public service to the State of New Hampshire.

In Witness Whereof, the Members of the New Hampshire State Senate, have authorized and approved the presentation of this Certificate at a hometown Senate Session meeting held in Hanover, New Hampshire this 17th day of May, 1973.

President

Vice President

Senator from District 5

ATTEST:

Clerk of the Senate

Sen. TOWNSEND: President Dave, Senator Dave, Vice President Harry, Senator Porter and the remainder of the Senate whom I am happy to say are all good friends of mine this is an unexpected honor and I shall always consider it as an honor especially in view of the fact of the signed certificate. I also consider you good close friends of mine, enjoyed the association I had with you in the past and I am looking forward to a good relationship in the future and I am confident I will. One thing Dave left out, he introduced me as a farmer and a father and I don't know what else but he forgot grandfather and I feel like one tonight.

Sen. NIXON: I would now like to introduce a distinguished guest and I will introduce him as the husband of Hilary Cleveland, who served 12 years in the New Hampshire State Senate and then lost touch with things and went to Washington

where he has made a record of distinguished service to the people of New Hampshire in terms of congressional reform that is unequaled. The New Hampshire Senate is very proud to have as one of its distinguished alumni the Hon. James Cleveland from New London.

CONGRESSMAN CLEVELAND: Thank you President Nixon, I would like to say, and I just have a few brief remarks, I would like to say that it brings back warm memories attending a Senate session after having served 12 years in the New Hampshire State Senate. I follow with much interest the plans of this Senate who have these home town Senate meetings. I think it shows merit and the reason for the merit is that I think it is important for us to remember that these Senators are *fallible* as was said earlier but they are also a group of people, as I have known them, to be well informed in a variety of ways. You take the district that we are in now, I can remember the former Senator Monahan, Senator Johnson is from this Town and Howard Townsend and David Bradley, these are very intelligent people. I have learned a great deal from these people when I was in the Senate and many lessons have stayed with me when I went to Washington. This is the reason why I think it is so important and there are now efforts in Washington and these are efforts of the Nixon administration to return more power to the people at the local level. To return more money and with the money a decision-making process. This is known as revenue sharing and I think it is a good idea. The reason why I think it is a good idea is that based on my experience in the New Hampshire State Senate, I think that the decisions that they are making are good decisions and that is why it is a pleasure for me to be here. Thank you.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

Sen. PORTER: I move that in accordance with the list in the possession of the Clerk, Senate Bills 204 through 221 shall be, by this resolution, read a first and second time by the therein-listed title, and referred to the therein designated committee.

Adopted.

SB 204, regulating insurance rating organizations which establish rates for first party property damage insurance com-

pany policies and providing for a special property insurance fund by assessment. (Brown of Dist. 19 — To Banks, Insurance and Claims.)

SB 205, relative to retention of legal residence in spite of private or institutional confinement. (Lamontagne of Dist. 1 — To Executive Departments, Municipal and County Government.)

SB 206, providing that if the insured prevails in a declaratory action against the insurer, he shall receive costs and attorneys' fees. (Bradley of Dist. 5; Bossie of Dist. 20 — To Judiciary.)

SB 207, amending the New England higher education compact. (Smith of Dist. 15 — To Education.)

SB 208, legalizing the Marlow town meeting of March 6, 1973. (Blaisdell of Dist. 10 — To Executive Departments, Municipal and County Governments.)

SB 209, relative to free parking in municipal parking areas. (Spanos of Dist. 8 — To Public Works and Transportation.)

SB 210, to allow for an annual rate for municipal parking areas. (Spanos of Dist. 8 — To Public Works and Transportation.)

SB 211, relative to the sale of fresh water smelt caught outside the state for human consumption within the state. (Jacobson of Dist. 7 — To Recreation and Development.)

SB 212, establishing a commission to study the state retirement systems and making an appropriation therefor. (Nixon of Dist. 9; Jacobson of Dist. 7 — To Executive Departments, Municipal and County Governments.)

SB 213, relative to the form and contents of writs. (Bradley of Dist. 5; Bossie of Dist. 20 — To Judiciary.)

SB 214, to increase the number of superior court judges by lowering the ratio basis for the number of judges permitted in the state, from one to sixty-thousand to one to forty-thousand of state population. (Nixon of Dist. 9 — To Judiciary.)

SB 215, increasing the limit of the concurrent jurisdiction of district courts in civil matters. (Nixon of Dist. 9 — To Judiciary.)

SB 216, providing guidelines for standards relative to aid for town and county paupers. (Bradley of Dist. 5 — To Public Health, Welfare and State Institutions.)

SB 217, relative to the establishment of health service organizations. (Jacobson of Dist. 7 — To Public Health, Welfare and State Institutions.)

SB 218, relative to non-resident auctioneer licenses. (Bradley of Dist. 5 — To Ways and Means and Administration).

SB 219, providing required primary coverage for motor vehicle insurance. (Spanos of Dist. 8; Bradley of Dist. 5 — To Banks, Insurance and Claims.)

SB 220, to expand the scope of summary judgment proceedings. (Bradley of Dist. 5 — To Judiciary.)

SJR 19, making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry. (Brown of Dist. 19 — To Recreation and Development.)

SB 221, to increase resident fishing and hunting license fees and non-resident fishing license fees. (Blaisdell of Dist. 10; Preston of Dist. 23; Brown of Dist. 19; Sanborn of Dist. 17 — To Recreation and Development.)

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

Sen. PORTER: I move that in accordance with the list in the possession of the Clerk, the following House Bills shall be by this resolution, read a first and second time by the therein-listed title, and referred to the therein designated Committee.

Adopted.

HB 820, relative to limitations on the investment authority of building and loan associations, cooperative banks and savings and loan associations. Banks, Insurance and Claims.

HB 771, relative to the appointment of the police commission in the city of Claremont, by the city manager. Executive Departments.

HB 829, relative to doping and stimulating animals at equine events. Recreation and Development.

HB 580, relative to jury trials of minor offenses. Judiciary.

HB 702, relative to the terms of jurors. Judiciary.

HB 854, relative to the duty of county treasurers. Executive Departments.

HB 855, delineating the duties of the clerk of the board of county commissioners. Executive Departments.

HB 819, relative to tires as defective equipment on motor vehicles. Public Works and Transportation.

HB 764, providing for a liquor license for passenger vessels. Ways and Means.

HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies. Executive Departments.

HB 788, relative to a warranty bond for automobiles sold in this state. Public Works and Transportation.

HOUSE CONCURRENCE

SB 95, abolishing the position of assistant bank commissioner.

SB 44, relative to the notice required for the lay out of class IV, V, VI highways.

SB 140, amending the charter of the city of Concord relative to city council vacancies and absentee voting.

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway.

HOUSE NON-CONCURRENCE

SJR 7, providing a supplemental appropriation for the New Hampshire historical commission.

SB 27, relative to straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries.

ENROLLED BILLS REPORT

HB 199, requiring suitable exhaust systems on motorized

vehicles and equipment operating in woodlands without snow-cover.

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

Sen. Provost
For The Committee

COMMITTEE REPORTS

SB 137

establishing a State Historic Preservation Office; and making an appropriation therefor. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: SB 137 was introduced by Senator Smith of Plymouth. It establishes an historical office in the department of DRED. It is intended to reserve in New Hampshire, not only historical things but ecological, cultural, and architectural, which New Hampshire is famous for. This bill does call for an appropriation of \$64,000.00 so it will undoubtedly go to the Senate Finance Committee before it goes anywhere else. Everyone who appeared before the committee were entirely in favor of this bill and I urge its passage.

Adopted. Referred to Finance.

SB 158

relative to the time of taking office of the school board of the Mascoma Valley Regional school district. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill was sponsored by Sen. Bradley, and this clears up a conflict between the provisions in the law relative to the time of taking office of school board members following a reappointment of school district members and the term of the laws governing as regards to the Mascoma Valley School Regional District. This bill would provide that the newly elected school board would take office in July, 1973.

Adopted. Ordered to third reading.

HB 684

relative to exceeding appropriations under the municipal

budget law. Inexpedient to legislate. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 684 has as its purpose the placing of an allotment of \$5,000.00 of unexpended funds available for the transfer by the Board of Selectmen and school boards without permission from the budget committees. At the present time there is no such limitations provided as long as the amount of transfer does not exceed the balance of the total appropriation. Those who spoke in favor of the bill were all from Salem. Apparently there is some question down there. However, this statute would universalize every school district, including regional school districts plus every town in New Hampshire and the committee's view is that it would be particularly restrictive on regional school districts and on larger towns in New Hampshire and therefore the committee recommends that HB 684 be inexpedient to legislate.

Resolution Adopted.

HB 704

relative to the manner of election of delegates to the constitutional convention. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this act provides for the election of delegates to the constitutional convention by means of a non-partisan ballot instead of a party ballot. The committee had a unanimous vote in that this ought to pass and there was no opposition. There was strong support by Mr. Stark, the Secretary of State. Many of our towns now have non-partisan elections and this was felt that this would be a further improvement for electing constitutional delegates.

Sen. TROWBRIDGE: Is there any difference in who is eligible to be a member of the constitutional convention under this bill?

Sen. PRESTON: Not as I understand it, that is not the intention of it. There is no difference except that a fee of \$2.00 will now be charged for applying.

Adopted. Ordered to third reading.

HB 761

relative to election procedures of the Contoocook Valley

School District. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 761 was introduced by four representatives from Hillsborough, Reps. Murray, Humphrey, Cary, and Colburn. This bill simply allows the Contoocook Valley School clerk to have names of candidates of the school board printed on the regular ballot. The names will be placed on the bottom of the ballot under the caption "Candidates for School Board". The committee was unanimous in its vote and I ask the consent of the Senate.

Sen. TROWBRIDGE: Mr. President, being the Senator from the Contoocook Valley District I would like to be recorded very much in favor of this and I will thank my colleagues if they pass this bill.

Adopted. Ordered to third reading.

SB 104

providing for the acquisition of Gile Forest and making an appropriation therefor. Ought to pass with amendment.

AMENDMENT

Amend RSA 216-E:3 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

216-E:3, Name, Administration. Upon acquisition by the state said tract shall be known as the John F. Gile Forest. Said forest shall be administered as provided in RSA 219 and in accordance with a comprehensive plan of management to be established by the commissioner in cooperation with the director of fish and game and with other appropriate state agencies.

Further amend the bill by striking out section 2 thereof and inserting in place thereof the following:

2 Appropriation. The sum of six hundred twenty-five thousand dollars is hereby appropriated for the purpose of acquiring the Gile Forest, so-called. The sum hereby appropriated shall be expended by the commissioner of the department of resources and economic development, and shall be reduced by the amount of any other funds, private or public, available for such purpose, including but not limited to funds which may be

available from the federal land and water conservation fund (BOR). Of the sum hereby appropriated, twenty-five thousand dollars shall be expended only for those certain incidental costs of land acquisition, including but not limited to appraisals, surveys and title examinations which, under current regulations, are not eligible for federal participation.

Sen. TROWBRIDGE: Mr. President, the amendment to SB 104 is on page 95 of today's Calendar. This bill was introduced by Senator Jacobson and Senator Spanos for the acquisition of a 6,500 acre tract of land known as John Gile Forest. Many of you here have perhaps attended hearings in favor of SB 104. The only change that Senate Finance is making is because of the fact that we received an assessment or an evaluation of the property and it's \$750,000.00 which Dartmouth College acquired in 1956 at \$70,000.00, and they are planning to sell it with this evaluation at \$750,000.00.

It might be worth it to explain how the Senate process works, that is having this rather large tract of land presented to the state of New Hampshire. I went to our resident expert, Senator Poulsen who is a land surveyor from the north country and whose judgment I certainly would respect and I said to Senator Poulsen, what do you think about the amount of money that we should pay for this amount of land and he thought it was too high and so did I; so after a series of telephone calls that were made to President Kemeny and various other persons at Dartmouth College, at this point we said to Dartmouth College that whereas we would very much like to acquire Gile Forest, being 65 hundred acres altogether in one tract of land, which is unique in this state, and available for sale, we also cannot as a public body, buy land at its appraised value because on that basis we could buy any tract of land, there are a number of tracts of five hundred acres and over around and if we bought them at appraisal value we would be buying anything. So, we negotiated and I think very nicely with Dartmouth College and they responded very much and we offered the sum of \$600,000.00 for Gile Forest and the sum has not necessarily been accepted by the trustees of Dartmouth College but I believe it will be recommended to them at their next meeting on May 25th and I would suspect that this offer would be accepted. The point being that they have an appraisal at the amount of \$750,000.00 as the actual value. That being so, the bureau of Outdoor Recreation

which will provide the matching with federal funds for this project will match on the basis of \$750,000.00 and that means that \$375,000.00 would be taken up by the Federal Government. If so, and we only have to pay \$600,000.00, that means that the state match necessary would be \$225,000.00, which means in turn that the state would have acquired 6500 acres of land at the cost of \$34.00 per acre. I don't see how in this day and age that anyone can say that that isn't a good deal.

I want to compliment Dartmouth College for their receptivity and for recognizing that the state cannot buy these things at their appraisal price and there is no particular need for me to say anything more than that. President Kemeny saw my position immediately and they came back the next day and said that they would do it and so all I can say is that those of you who are interested in the Gile Forest should say that it is not the state of New Hampshire that is doing this but Dartmouth College who really made a great gesture of giving up what could have been \$150,000.00 that they could have gotten for their endowment fund but recognizing the need and the basis for having this huge tract of land, which they have owned for some 15 years, go into the right hands. That is what they are doing and the extra \$25,000.00 that you see in the appropriations, \$625,000.00 is to pay for further appraisals, assessments, and surveying that is needed to qualify for the bureau of outdoor funds and although that is sort of high, that seems to be the level that the Federal Government decides to do things and therefore we will acquire this at \$35.00 per acre.

I compliment everyone who worked on this thing and there is no question in my mind that when you consider that the state park in my district that is 13,500 acres and it took over four and one half years and it took over four years to put together one parcel and it is not yet complete to have 6500 acres in one parcel and have one person give a deed to that land, the state of New Hampshire is remiss if it does not acquire it at this time, so I urge the adoption of the amendment and then as amended to pass SB 104.

Sen. SPANOS: Mr. President, as the co-sponsor of this measure together with Sen. Jacobson of New London I rise in support of the committee amendment.

This bill had its first hearing in New London before the

committee on Resources and Environmental Control with close to two hundred people attending. There was only one person in opposition to the bill. This gentlemen was concerned about the price tag asked for by Dartmouth College. He said that Dartmouth paid \$70,000.00 for the 7,000 acres and they are now asking for 700,000.00 and then he went on to say that he "now knows why Dartmouth is called the big green". I do not rise in that same spirit. I applaud Dartmouth College for making this land available first to the people of the state of New Hampshire when it could have offered this large tract of land to private developers for further exploitation. It is most gratifying to see Dartmouth College, in serious financial problems that are facing all our institutions of higher learning, concern itself with the unselfish and overview of human life beyond academics and that statement comes from a Harvard man who watches the Indians clobber the Crimson about every year in football, that is a compliment.

But seriously though, in 1972, Senator S. Smith and I worked hard to pass a bill which would have helped save some contamination of our lakes in the Winnepesaukee area. At that time I had a few remarks to make. I think they apply in the case before the bar and I ask your kind indulgence if I repeat these thoughts.

To resolve the crisis which threatens life on earth, we must reverse the philosophy ingrained within our people since the birth of this nation — the worship of growth — the pioneer drive — the striving for more and better things through technological progress, and we must reverse this philosophy by utilizing the very same technology which is helping to create the problem. We must commit to the preservation of our natural environment some of our financial resources.

In order to rescue our environment, we must learn to consider time in longer stretches — not the "here today — to hell with tomorrow" attitude — lest we commit earth suicide.

It's poignant; it's nostalgic; it's melancholy; it's ironic — but it's too true — I refer to the TV public service announcement on ecology which pictures the proud American Indian rowing a canoe on what appears to be his unspoiled wilderness. His wistful expression betokens the scene on shore. A tear spills over as his moccasined feet push aside the man-made refuse and

it is his "I told you so" for we took the land and we fulfilled his prediction. We failed to appreciate what God had willed us and we have desecrated it.

All of you are aware, the Bible opens with these words:

"In the beginning God created heaven and earth. And that earth was void and empty; and darkness was upon the face of the deep."

For God's sake — for mankind's sake — let us not end it as it began — "And the earth was void and empty and darkness was upon the face of the deep."

Sen. JACOBSON: As the other co-sponsor but also as a shorter speaker of the team I would also like to say a word of appreciation to our Senate Finance Committee and to our Chairman, Senator Trowbridge for the fine work he did in working this out in accordance with Dartmouth College. I would also like to make mention of the fact that there is an historic connection between the Senate and Gile Forest and that is my distinguished colleague Senator Gardner who actually put this tract together many years ago, and if it wasn't for a great deal of work that she did we might not have had this 6500 acres as they now exist today and I would also like to express my appreciation to the people of the towns of Springfield, Wilmot, and New London, nearly 200 people showed up in New London in support of this measure and I know they are deeply appreciative of this act that I hope the Senate will take this evening.

Sen. POULSEN: Mr. President, I rise not to take any credit on this but to point out that there are 640 acres in a square mile and therefore, this is something like 10 miles in length and this piece would take quite a slice, either out of Newport or New London.

Sen. TROWBRIDGE: Just another historical note, which I don't know whether it is historical or not, but I have been told and it might be possible that John Giles, who was a doctor, delivered a certain person into the world whose name was Norris Cotton and if that is true, I think it might be significant.

Amendment Adopted. Ordered to third reading.

HB 576

relative to guardianship statutes. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, HB 576 was recommended by the Governor's Commission on laws effecting children. Briefly, this law brings up the guardianship conflicts. Under the present statutes in a divorce case it is required of the judge that he give guardianship to a child or to the injured party. Now that we have a non-fault concept of divorce, where there are differences, the Commissioner recommends that the judge may have at his discretion to give guardianship for a child to the father or mother as he thinks more conducive to the interest of the child, so this will be good.

It also corrects several archaic situations that now are on the statutes such as RSA 464:7, relative to employment of a ward. It states now that every guardian of a spendthrift shall enjoin habits of sobriety and industry in his ward, and may employ him or his children in any suitable way or labor, or bind them out by a written contract for a term not exceeding one year. Needless to say, this is an extraordinary thing that is on the statutes and should be repealed. Also, 463:19, relative to duties of a guardian and it states that every guardian of a person of a minor shall enjoin habits of sobriety and industry in his ward, and may employ him in any suitable labor. Such guardian shall not be subject to any of the provisions of RSA 462 which applies to the estates of wards. Also in RSA 463:26 it repeals, in regards to enticement.

It states that a person who entices or persuades away a minor from the custody of his guardian, or in any way causes him to leave such custody, shall make good all damages in an action on the case, and be fined not more than two hundred dollars. Needless, to say we have a crime now that contributes to the delinquency of minors and these things are all superfluous and unnecessary and it will bring our guardianship statutes up to date.

Sen. DOWNING: As I understand this bill, it effects the guardianship area strictly in domestic or divorces statutes and it is unrelated to the inheritance statutes?

Sen. BOSSIE: You are correct, Senator. This has nothing to do with the inheritance statutes of our state.

Sen. BRADLEY: Mr. President, I rise in support of this bill. I think it is a very good bill and as was pointed out by Senator Bossie, it really updates these archaic laws. You will note

one other thing and it is something that you really see in that this bill actually repeals four different sections of the RSA's and only adds two. There has been some suggestion that more bills should be like that.

Sen. SPANOS: Mr. President, I rise in support of the measure before us, not because of the merit of the bill but to take this opportunity to publicly applaud on behalf of the Senate, the Chairman of the Governor's Commission on laws effecting children, who did a magnificent job in bringing this before the legislature and it is a much needed recommendation in this field and that is, Mr. Logan from Plainsfield.

Adopted. Ordered to third reading.

Introduction of Robert Sowa, Alderman ward 6, Manchester, by Sen. Robert Bossie.

SB 88

relative to professional mental health evaluations of minors. Ought to pass with amendment.

AMENDMENT

Amend RSA 169:9-a, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

169:9-a Mental Health Evaluation. Any minor before the court who has previously been convicted of one or more delinquent acts, shall, together with parents, guardian or person with custody or control submit to a mental health evaluation by an agency approved by the director of the division of mental health, of the department of health and welfare, a psychologist certified in New Hampshire, or a qualified psychiatrist. A written report of the evaluation shall be given to the court before the hearing on the merits is held. If the parents or guardian of the minor object to the mental health evaluation, they shall object in writing to the court having jurisdiction of the matter within five days after notification of the time and place of said evaluation, and the court shall hold a hearing to consider the objection prior to ordering said evaluation or, upon good cause shown, may excuse the minor from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the

court and the evaluating agency before the case is heard. The evaluating facility, agency or individual shall keep records, but no reports or records of information contained therein shall be made available, other than to the court, except upon the written consent of the person examined or treated, and except as provided in RSA 169:22.

Sen. BRADLEY: Mr. President, SB 88 is also a bill that came out of a study from the Governor's Commission on laws effecting children. This bill in its original form provided that any minor who had been convicted for one or more delinquent acts previously would have been required to submit to a mental health evaluation by an agency approved by the division of Mental Health before his case was ever decided by the judge. The amendment to this bill, which is printed in full on page 97 of today's Calendar institutes the entire bill and amended the original bill in one major respect, which is quite significant. Under chapter 169:9-A, mental health evaluation. Any minor before the court who has previously been convicted of one or more delinquent acts, shall, together with parents, guardian or person with custody of control. There was a great deal of testimony before our committee recognizing the need for such an evaluation and it includes the parents because many of the problems which are now in the courts dealing with delinquents are really family problems and not just problems of the child.

Amendment Adopted. Ordered to third reading.

HB 265

relative to the commitment of children to the industrial school for an offense. Ought to pass with amendment. Sen. Bradley for the Committee.

AMENDMENT

Amend RSA 621:16-a, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

621:16-a Limitation on Confinement or Incarceration of Minors. Notwithstanding any other provisions of law to the contrary, a minor shall not be imprisoned, confined or committed to any place of detention, including the industrial school, for an offense which if committed by an adult would not be punishable by incarceration, confinement or imprisonment.

Provided, however, a minor may be imprisoned, confined or committed to a place of detention, including the industrial school, for the violation of a condition of probation.

Sen. BRADLEY: Mr. President, this bill as amended appears on page 97 of today's Calendar. This is one of the few bills, I think they have had in the Judiciary Committee, which is simple enough for almost anyone to understand and this is perhaps the most controversial bill that the committee has heard this year. This bill says very simply that a minor may not be sent to confinement, such as the Industrial School, for any offense unless that is the type of offense for which an adult could be sent to the Industrial School for. Now, the amendment which has been amended simply makes it clear with the revised clause which added in last three lines of the amendment that a violation of one's probation that is a type of offense that an adult could be committed to jail and therefore, a minor who commits a violation of his probation may also be committed to confinement to a place such as the Industrial School. The testimony on this bill was very heated on both sides. It was striking that the Director of the Industrial School, originally when the bill was introduced supported it and then changed his mind and opposed the bill. However, the Director of the Industrial School, Michael Morello has told our committee that he would not be opposed to this bill with the amendment which we added to clarify what apparently was misunderstood earlier. The principal opposition to the bill is that for minors who are repeated offenders, the delinquents, there is no other place to send them and we need to send them to the Industrial School even though it isn't the right place for them. It was the feeling of the majority of this committee that it is time for the state to find alternative means of placing such problem children and that it is simply unjust to send a child to what he considers a prison or a jail and that we would not send an adult for such an offense.

Sen. LAMONTAGNE: Could you tell me whether or not the judges adopted this amendment that is now presented by the Judiciary committee?

Sen. BRADLEY: I don't believe that I can speak for them. There was one judge in particular who spoke against the bill and he said he was speaking on behalf of a number of judges who opposed the bill in its original form. I understand he op-

posed the bill in its present form and I don't know why I haven't talked with him.

Sen. LAMONTAGNE: Would you tell us whether Michael Morello, of the Industrial School, whether he was in favor of the way this was amended?

Sen. BRADLEY: Doctor Morello testified before our committee and he said if we added such an amendment to this bill that he did not oppose the bill and he could see nothing wrong with the bill.

Sen. LAMONTAGNE: Nothing with the bill as it was amended or in its original form?

Sen. BRADLEY: Doctor Morello, when he appeared before our committee in the Senate opposed the bill in its original form. This is the way you read the bill on the white sheets which you have in front of you and not in the amendment that appears on page 97 of today's Calendar. With the amendment with the proviso clause that says, "however, a minor may be imprisoned, confined or committed to a place of detention, including the industrial school, for a violation or a tradition of probation." That is the amendment to the bill and that is what Dr. Morello said would make the bill acceptable to him.

Sen. Lamontagne moved that HB 265 be made a special order of business for Wednesday next at 1:01.

Sen. LAMONTAGNE: Mr. President I feel that this is a piece of legislation, especially a House bill, and therefore I feel that I would like to have some time for some studying and at the same time I would like to have a little more information to make sure before I do vote on this bill. I consider this bill to be very important and because it's a House bill, I am asking for this special order to have an opportunity to be able to ask some of my people what they think of it and there was a lot of opposition to this bill in the beginning.

Sen. McLaughlin moved that HB 265 be made inexpedient to legislate.

Sen. MCLAUGHLIN: Mr. President, I move that HB 265, the words inexpedient to legislate be substituted for the words ought to pass.

The CHAIR: The Chair would state that the motion for

a special order of business has precedent over a motion inexpedient to legislate and I'm sorry, you're motion is out of order.

Sen. TROWBRIDGE: Mr. President I want to speak in opposition to the motion to make this a special order of business. I know that Sen. McLaughlin wants to make a motion to indefinitely postpone this bill. I don't see any reason now why we should make this a special order, we can't make everything a special order and I think we should vote on it tonight. I knew about it before I came up here tonight and I knew there was a lot of conflict on this bill. I think it is time that we vote on this bill in front of the people here in Hanover so that they can see how we work. And I'm sorry Sen. Lamontagne my good friend, I really think it is time, if you withdraw your motion to make this a special order it would be a big help because I think we want to vote on it right now.

Sen. LAMONTAGNE: Mr. President, members of the Senate: As far as I'm concerned, I am one hundred percent in favor of postponing this bill and because this bill was a committee amendment, I was just trying to be fair about it but seeing that you want to take action on it immediately for indefinite postponement, I would be more than glad to withdraw my motion for a special order.

The CHAIR: Sen. Lamontagne's motion to make HB 265 a special order of business for Wednesday at 1:01 has been withdrawn.

Sen. MCLAUGHLIN: Mr. President, members of the Senate: Tonight I arise very strongly in opposition to HB 265. I personally believe that this is a very bad piece of legislation and we should dispose of it in that manner. I do not feel that we should at any time take the tools of the court for the prevention of delinquency. This is exactly what we are doing with this bill. This is the feeling of the Chief of Police Association of N. H., this is the feeling of the Juvenile Officers Association of New Hampshire plus the majority of the judges throughout this fine state of ours. I am sure that you have heard from many of the law enforcement people in reference to HB 265. What the bill is going to do is completely tie the hands of the fine people who are trying to maintain law and order and also to hold down some of our delinquent children and put them on the right road for the future. At the present time we have been

able to hold something over them and threaten them if they do not correct whatever problems that they may be causing or creating themselves. The passing of this bill would stop this. The judges can hold this over these children, that do not want to think the right way at that time. Dr. Morello says, it's a rare occasion when a judge sends a kid to the institution for being truant once or twice and running away once or twice. I have a letter here from Dr. Morello that was written to Martha Frizzell, chairman of the Judiciary committee of the House of Representatives and I would now like to read it to you. "A few weeks ago you held a hearing on HB 265, which related to the commitment of juveniles to the State Industrial School. At that time, I mentioned that the bill would effect approximately 60% of the children presently incarcerated at this facility. I stated at that time that I was certainly in favor of the philosophy of this bill but I would see where it would present numerous problems to the various courts and police departments throughout New Hampshire." What he is saying is that after reviewing this section he does not believe that this bill would be of any help to children. We also have a letter here from the New Hampshire Juvenile Association that I would like to read to you.

COMMUNICATION

May 7, 1973

The Honorable John H. McLaughlin
State House
My dear Senator McLaughlin:

On behalf of the New Hampshire Juvenile Association, we are writing to inform you that the Association is on record as being firmly opposed to HB 265, "An Act Relative to Commitment of Children to the New Hampshire State Industrial School."

It must be mentioned that over 30 Judges who have been contacted are also opposed to this bill. The Association includes members from Law Enforcement, as well as Social Workers, Parole Officers, and Probation Officers.

It is believed by the Association that if this bill were passed, it would remove the deterrent necessary to make juveniles conform to the standards set by society. If this bill were passed, the

Juvenile Justices System within New Hampshire would lose its ability to restrain antisocial activity until it should reach the criminal level.

In conclusion, it is hoped that you will consider the immediate, as well as the ultimate, adverse effects on New Hampshire, if passage of this bill were to be accomplished.

Yours very truly,

New Hampshire Juvenile Association
Anton Lonnroth, President
Alan B. Urquhart, Secretary

In other words the children are not sent to the State Industrial School for a minor offense. They have been given warnings in attempting to work things out with juvenile officers, prior to any action of this nature. However, it is one way of having some final control, if at an end of a given time the child does not seem to want to follow the guidance and leadership, which has been presented to him. It is at that time that we must remove him from the street, for a period of time, to let him clearly understand and realize that there is Law & Order in our fine state.

The amendment which has been added to this bill, as you can see in the information that has been put into your folder, whereupon it has been found unconstitutional in many of the states in the country, for the wording of the nature so therefore this would be of no help either.

I do not pretend to be a lawyer or have a law degree. I am only reporting information which I feel that having been given to me by people, who are very much concerned with the children of our state in attempting to do a good job with them. We do not want to be like the state of Mass. whereupon they have lost complete control of Law & Order and their crime rate has risen tremendously and it is rising more every day plus New Hampshire is feeling the effect from their laxity and having problems in our state caused by their children.

I realize that there are some people in the state that are not members of the system of the juvenile office and are in favor of this bill. In comparison to many fine dedicated people that are trying to work with our juveniles and have shown a fine example in the past few years in salvaging many of our juveniles,

and making them go straight because they are working with them. This would only defeat their whole purpose in the passing of this bill.

I myself repeat that I am not an authority on juveniles or the court system. I listen to people I think are experts on this matter and I am trying to relay the message to you fine members of the Senate, so we will oppose this bill and not defeat our court system here in N. H. When you have fine judges like Judge Flynn over in Portsmouth, basically speaking, has a tough area to work in because a lot of juveniles are located in that area, with the bases around there. He says that this would completely cut off his hands to operate properly his courts. I had to listen in respect to a man with such integrity and knowledge and fine example of the court system he has in that area.

I cannot see any parts of this bill, that would benefit the state of N. H. However, as I expressed to you earlier, and repeat again, I can see many parts of this that would put more of our children in a situation whereupon they can do as they want to, when they want to, and basically speaking without any control over them.

We realize that there is a certain age bracket in life, where some of these children, because their parents have not given them leadership, or not working with them, that someone else has to take over during those tough years so they can become good American citizens.

What we would be doing by passing this bill would be leading them astray and they will stay astray and be a hindrance to us the rest of their life. Therefore, members of this fine Senate, I strongly urge that you oppose this bill on the merits that I have said to you today, plus some of the information that is enclosed in the folder on your desk, plus I am sure there have been copies of evidence which have been sent to you by people who have great leadership and great concern for our delinquency in the state of N. H. and want it to go in the best way so that they can make these children fine citizens of our Great State.

I regard you support my motion "Inexpedient to legislate."

Sen. Lamontagne moved that HB 265 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, members of the Senate: I personally feel that HB 265, there has been many people who are in opposition to this bill and I have had many complaints against it. At the same time, I feel that it would be safer right now to turn around and move for indefinite postponement. I think that this is the only protection that minors have.

Sen. GREEN: Senator Bradley, calling attention to your report, you made reference to the fact that there are no other places in the state where children who do not follow the rules and regulation and the control that there is nothing available in this state. Did the committee consider recommendations on how this problem could be dealt with?

Sen. BRADLEY: I said that there was no other place for juvenile delinquents to go other than the State Industrial School. I didn't mean to say that I agreed with that; we already do have some alternative programs and alternative things to do and particularly, dealing with this bill, with the juvenile criminal the ones who have committed their first offense and are not on probation for something like truancy or being delinquent.

Sen. GREEN: Did the committee attempt to differentiate between the words imprisoned and detention?

Sen. BRADLEY: I'm not sure I follow your question.

Sen. GREEN: I'm saying that according to the definitions in this bill, it uses the words imprisoned and detention, and my question is did the committee attempt to differentiate between those two terms and not use them as they are being the same thing?

Sen. BRADLEY: I guess the way to answer that is that the effect of this bill is that if passed, a juvenile on the first offense for something non-criminal, cannot be confined or voluntarily detained at any place including the Industrial School. It's the Industrial School that we are talking about here.

Sen. BOSSIE: Senator McLaughlin, you stated that several law enforcement agencies and judges were opposed to HB 265. Would you advise the Senators whether you have taken a poll of these same people with regard to HB 265, with the amendment as proposed by the Judiciary committee?

Sen. MCLAUGHLIN: I was informed about this amend-

ment yesterday afternoon and I contacted each of the judges. I contacted nine judges last evening and they were all in agreement — nine judges were against the amendment. Also in your folders, I am not a lawyer so I am not as fortunate as some of you people, but some of these papers that have been given to me pertain to the amendment and the state claims some of them are unconstitutional.

Sen. SPANOS: Senator Lamontagne, I am somewhat puzzled to your parliamentary maneuvering. You originally indicated after Senator Bradley offered his amendment that you would like to have it made a special order of business in order to study it and subsequently you moved for indefinite postponement. I would like to know what happened in the last five minutes that made you change your mind on it quickly.

Sen. LAMONTAGNE: The reason why I changed my mind quickly was because I personally feel that right now, I really believe that there could have been enough votes to pass this amendment and I didn't want to take a chance on waiting until next Wednesday because I was planning to have a ceremony next Wednesday and I figured that I ought to do it now. For one reason, I personally feel that the two have been taken away from the courts.

Sen. S. SMITH: Mr. President, I rise in opposition to the motion to indefinitely postpone. We have had this bill in committee and we have had lengthy hearings on it. There was testimony in opposition to the bill and it was passed by the House and I would like to remind the members of the Senate that it did pass the House with a substantial vote. The main testimony in opposition to this bill was that it took the stick away from the courts, in that they could not burden the children with sending them to the Industrial School by violation of probation. I think the House passed the bill that it was not a threat and as the testimony developed, it was not necessarily in the bill that this amendment gave that force to the courts. So that they can send children out onto various types of probations, mental health clinics, schools of special types, and if they are in violation of that probation and they do not follow the orders of the court then those children may be sent to the Industrial School.

And this is what the amendment does. I think that it is unconscionable that in this day and age that in this state we can

have eight year old children sent to the Industrial School for truancy or for running away, but there is not some other answer and there was much testimony to the fact that if we pass this law that other answers would soon be found to give the children of this state an education in some other place besides the Industrial School which can in effect, lead to a further life of crime, they can learn a trade at the Industrial School but I am afraid that it may be a trade that the Senate would not like to see them learn. I am disturbed at the comments that have been made here this evening and I don't see how any member of this Senate with any conscience, as to the welfare of these people and these children, can send a child to the Industrial School for some action which an adult cannot be sent to state prison. I hope the Senate, before it votes listens to the various pressures placed on it and will take long consideration before they vote no.

Sen. TROWBRIDGE: Sen. Smith, how long has it been since you have been to the Industrial School?

Sen. S. SMITH: In what capacity?

Sen. TROWBRIDGE: I am assuming the right capacity. Have you seen any eight years olds at the Industrial School?

Sen. S. SMITH: No, I have not seen the list of those who are attending the Industrial School within the last few months but I would like to say that I have visited the Industrial School and I know a little bit about it.

Sen. TROWBRIDGE: If so, and I know you have visited it and that is why I asked it, I didn't mean anything otherwise. Did your committee have any testimony from any judges that have committed to the Industrial School someone on their first count of truancy or on the first count of even of what might amount to larceny or someone really just on their first charge been sent to the Industrial School, because I have been down there and I have talked with these people and it is about the third or fourth time before they are even sent to the Industrial School at all and I think that we all know that. Our judges at this time already take those things into account, isn't that true?

Sen. S. SMITH: I think the answer to that question Sen. Trowbridge, is that I think that an eight year old does not have many chances to become involved in any type of serious crime

but yet they do send them to the Industrial School. In a sense they are because some of them are relatively minor in actions, some needless to say are serious but not the kind of offense that we would send an adult to the State Prison. Therefore, these offenses should be treated in a different manner.

Sen. BOSSIE: Sen. Smith, from your testimony before the Judiciary Committee isn't it true that a great majority of the children in the State Industrial School are on the poverty level?

Sen. S. SMITH: This is true.

Sen. BOSSIE: Isn't it true that the President of the District Court Judges of the state of New Hampshire, the Association was in favor of this bill?

Sen. S. SMITH: That is also correct.

Sen. Jacobson moved that HB 265 be made a special order of business for 1:01 next Wednesday.

Sen. JACOBSON: I think HB 265 is a very important bill and I think that there has been some misunderstanding about what the amendment does and I think that we ought to take the time for each Senator to consider over the weekend what the amendment does as it provides, as I believe, the tool for our judges to handle the problem of that juvenile who will not submit to some kind of authority or supervision, and this has been very carefully worked out and I was against the bill in its original form. I do not want to push the amendment down the throat of any Senator. I would like them to give very serious consideration before we indefinitely postpone this bill because it has serious input into every young person in our state under the age of eighteen.

Sen. SPANOS: Mr. President, I rise in support of the motion of Senator Jacobson. As I have said many times before, I frown upon the utilization of the Special Order mechanism as a parliamentary maneuver and I still do, but in this case that is now before us, which as far as I am concerned, this is the first time that I have had the opportunity to see it and also an opportunity to see the amendment. So, what I am trying to say that in this case, where it is an amendment of significance, we ought to find out what some of the judges seem to think about it and make our determination at a later date. I rise in support of the Special Order.

(Vice President Spanos in the Chair)

Division: Yeas 9, Nays 10.

Motion Lost.

Question is on indefinite postponement.

Roll Call requested by Sen. Lamontagne, seconded by Sen. Spanos.

Yeas: Lamontagne, Poulsen, Gardner, Green, Blaisdell, Trowbridge, Porter, McLaughlin, Sanborn, Provost, Brown and Preston.

Nays: S. Smith, Bradley, Jacobson, Spanos, R. Smith, Bosie and Downing.

Result: 12 Yeas, 7 Nays.

Adopted.

SB 14

establishing standards of legislative ethics. Ought to pass with amendment. Sen. Porter for the Committee.

AMENDMENT

Amend RSA 14-B:2, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. Receive any gift, of the value of ten dollars or more, under circumstances in which it could reasonably be inferred that the gift was made to influence him in the performance of his official duties;

Amend RSA 14-B as inserted by section 1 of the bill by striking out all after section 14-B:2 and inserting in place thereof the following:

14-B:3 Commission on Legislative Ethics.

I. There is hereby established a commission on legislative ethics, to consist of three members of the senate and three members of the house, and three members of the public who are not members of either body. The senate members shall be appointed by the president, the house members shall be appointed by the speaker, and the public members shall be appointed by the governor. Such appointments shall be made on the first day that the

general court assembles and the term of each member shall end when the general court during which a member was appointed or elected is dissolved. Vacancies shall be filled for the unexpired term of any member in the same manner as original appointments. The commission shall immediately upon its appointment:

(a) Elect a chairman and a clerk from among its membership;

(b) Receive complaints from members of the public and other legislators, against legislators alleged to have violated this chapter;

(c) Investigate the complaints and, after any hearing held pursuant to RSA 14-B:4, make a report to the body of the general court of which the legislator is a member of its conclusion as to the guilt or innocence of the party charged, and containing its recommendations, if any, for further action; and

(d) From time to time, recommend legislation relating to legislative ethics.

II. In administering this chapter, the commission on ethics shall have the assistance of the attorney general.

14-B:4 Confidentiality; Hearings.

I. Any allegation of a violation of this chapter shall be kept confidential and for the use of the commission only, until such time as a hearing therein is held pursuant to paragraph II.

II. If the commission finds probable cause, it shall hold a public hearing on the allegation at which the evidence in support thereof shall be presented and opportunity afforded to the alleged violator to be heard. Any such hearing shall be on seven days written notice to the alleged violator, which notice shall include a copy of the sworn complaint and any affidavit in support thereof.

Sen. PORTER: Mr. President, public confidence in the political process is very poor. Events such as the ugly Watergate situation lent itself to further erosion. I think that we have all heard of the low ranking of the politicians in the order of public confidence.

How do we solve this? SB 14 is but one step to achieve better public confidence. We can establish standards of legislative

ethics. SB 14 was introduced by Senators Nixon and Bossie and as amended provides for the establishment of a commission of legislative ethics. This 9 member commission would consist of 3 Senators, 3 House members and 3 persons from the general public.

The commission may receive complaints about alleged violations, investigate and report to the body of which the legislator is a member. Further, the commission may recommend legislation relating to legislative ethics. Certain acts are prohibited and they are written in the guidelines of the bill. These include receiving of any form of compensation from private sources for his duties wherein his position might reasonably be expected to give him undue influence; or to ask, receive, or agree to receive anything of value with the understanding that his official vote will be influenced; or receive any gift of any value more than \$10.00 which infers influence; or to use his position to secure privileges or exemptions for himself or for others.

The amendment deletes the section dealing with disclosure. This section required disclosure of an interest in excess of \$1,000.00 by himself, his spouse, or his children and any activity subject to jurisdiction of a legislating agency of the state. In higher citizen legislation, most have financial interests which are part of his normal livelihood.

The committee feel that this bill, which if passed, which essentially is in the same form as it was last year, should be made law and I urge your support.

Sen. SANBORN: Senator Porter, this disclosure portion here, it says \$1,000.00 of himself, his spouse and his children, my wife who is now married and working for Blue Cross, does this mean that though she is no longer a member of my family that I would have to file on what she earns and so forth?

Sen. PORTER: That section has been deleted, and it is out of the bill.

Sen. JACOBSON: I have a question on 14:5 I on the question of confidentiality "any allegation of a violation of this chapter shall be kept confidential and for the use of the commission only." Now, I find nothing in this bill which provides for violation of that confidentiality, is that the case?

Sen. PORTER: The violation would be reported back to the body of the legislator and then the body would take action on their own part and defer it to, for example, the Attorney General.

Sen. JACOBSON: I don't think you follow my question.

Sen. PORTER: I might defer your question to my attorney in this matter, Senator Bossie.

Sen. BOSSIE: There is no penalty for a violation, and basically there is no penalty for a violation of misconduct of a legislator. It seems strange that they don't have a penalty for that violation yet they do have a penalty of a violation of the confidentiality rule. So, that would mean assistance, so we wouldn't.

Sen. JACOBSON: Yet, there is a process of prosecution that exists for the alleged violator, is that not correct?

Sen. BOSSIE: No, not in this particular statute. Yes, section 14-D:6 — it is correct that the Attorney General, under this bill as I understand it, if the committee finds a legislator who has acted improperly can then file a report with the Senate or House whoever the member is and they would take whatever action that they think is necessary.

Sen. BOSSIE: Under the original bill, Class B felonies it is now necessary that each legislative body determine the penalty themselves and the maximum penalty would be that he be relieved of his seat and that would be very severe in my opinion.

Sen. JACOBSON: Section B:6 is out of the bill?

Sen. BOSSIE: Yes, it is.

Sen. JACOBSON: My question then is suppose you make an allegation of me that I have acted unethically and your allegation is a fabrication and that allegation has been presented to the commission now theoretically the confidentiality of that allegation is to be preserved. What if the confidentiality of that allegation is not preserved, there is no penalty?

Sen. BOSSIE: There is no penalty in this provision.

Sen. TROWBRIDGE: I would like to know whether SB 14 would have done anything substitutive at least, about the situation which happened in the House just a couple of days

ago on the NOW account bill, and there were people calling for rule 16 to be applied and rule 16 was not applied in many instances. Is there anything in SB 14 which would make it mandatory that the legislator show his self interest when he is voting on a bill? That's one of the biggest problems that we have.

Sen. PORTER: If you are referring to his disclosure that section has been deleted from this bill. In the event that a legislator is found guilty of being unethical I am not familiar with the fact, but another legislator would bring these remarks to the commission and request action along the certain paragraphs 1, 2 and 3 of the prohibitive acts within the legislative ethics bill.

Sen. TROWBRIDGE: I apologize for being dense. Would it be all after the fact that you can make your complaint, would it be after the fact that he voted a bill which he had direct relationship or can he do anything in advance?

Sen. PORTER: I don't think you would make a complaint before a violation in ethics. Therefore, I would assume you would wait until he has violated one of the prohibitive acts in SB 14.

Sen. NIXON: Mr. President, members of the Senate, I rise as the fellow sponsor of the bill with Senator Bossie, and I offer this bill, not as a complete, or completely effective, or completely enforceable, or a means of establishing, or enforcing but for higher standards of our legislature. I think that there should be standards for all of those who serve in the House of Representatives and the Senate for one hundred dollars a year. I do think, even though this bill is just the first step and it is a necessary first step in this state and in this nation, and at this particular time because as you are all well aware, at the local level community level, state level, and unfortunately on the national level there is an increased loss of competence, a loss of faith, and a loss of belief in the basic dignity of our governmental system. By adopting this measure tonight, we would at least be on record as the New Hampshire State Senate, saying that we want the laws of New Hampshire to say that it is illegal for a legislature to accept money for his duties that he has taken the oath for without receiving that outside money. That it is illegal for a legislator to be paid from outside interests; that it is illegal that he be given a gift as to his vote and it is illegal for a legislator to use his position for special privilege, what-

ever privilege it may be. These seem to be the basic things that should be in the law and should be in the laws now to show that we are willing to subject ourselves to these standards, minimal as they may be unenforceable as they may be in the courts and thus I say, this bill is offered to the Senate in hopes that the Senate will adopt it even though we are well aware, notwithstanding the fact that Sally Townsend had a stronger HB with greater detail and with stronger enforcement provisions and this was defeated by the House about two weeks ago. I think it's important for the country and the state that all those who represent it at this time that the Senate be on record as recognizing the desire of our people to believe in our government and to have greater faith in it and we are willing to recognize it at least in the Senate level, willing to set a standard for itself and it will be on the books as on record and therefore, all can see that the Senate and all of those who serve in the House will at least realize and be guided by them.

Amendment Adopted. Ordered to third reading.

HB 697

relating to appeals by hospital service corporations. Ought to pass with amendment. Sen. Preston for the Committee.

AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage and shall apply to proceedings initiated prior to the effective date hereof upon which no final order or decision was issued more than thirty days prior to such effective date.

Sen. PRESTON: Mr. President, this act provides for appeals and rehearings of orders and decisions of the Insurance Commissioner. Specifically, with organizations such as the Blue Cross and Blue Shield, this allows them the other statutes under RSA 541 that exist now and this bill was supported by the Insurance Commissioner and there was no opposition to it.

Amendment adopted. Ordered to third reading.

HB 699

relating to investments of hospital service corporations. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, Members of the Senate: HB 699 is relative to investments of hospital service corporations. It provides that in addition to those investments a hospital service corporation can make they shall additionally be permitted to invest up to ten percent of their total stated assets in "prudent investments."

There was no opposition by anyone. The Insurance Commission spoke in favor of it, Blue Cross and Blue Shield spoke in favor of it, the New Hampshire Hospital Association spoke in favor of it and I urge its adoption.

Adopted. Ordered to third reading.

Sen. BROWN: I move that the rest of the calendar be postponed until Monday next.

Adopted.

Sen. PORTER: I move that the Senate non-concur with the Joint Rules and request a new committee of conference.

Sen. DOWNING: Why do you feel that we should not concur with the committee of conference report?

Sen. PORTER: This was the word that was passed to me by the Chairman of the Senate Finance Committee, Sen. Trowbridge, with a discussion with the House Appropriations chairman relative to what we are going to be looking for in the future and the new conference committee would extend up to three extra legislative days for action of bills and it would increase the deadline for bills coming out of both the House and Senate.

Sen. DOWNING: If we kept the Joint Rules on the table, doesn't that accomplish the same thing?

Sen. PORTER: It would but it would also let everybody know that we are trying to cooperate with the Joint Rules by going back and establishing formal rules to work with.

Sen. DOWNING: By laying it on the table Senator, doesn't that indicate our willingness to wait so that the House can work out their problems and at the same time, gives us the time that we need to work out our problems, doesn't it?

Sen. PORTER: It would accomplish the same thing and I have no opposition but I think Senator Trowbridge would have some remarks on that.

Sen. TROWBRIDGE: Mr. President, would it not be possible for Sen. Downing to withdraw his motion to lay on the table if he knew that one of the reasons that we wish to non-concur is that we would like to change a couple of words in the Joint Rules for which we need to have a nonconcurrency?

The CHAIR: The Chair will state that the answer to that parliamentary inquiry is that it's pretty much up to Sen. Downing whether he wants to withdraw his motion.

Sen. DOWNING: I withdraw my motion to lay the Joint Rules on the table.

Sen. PORTER: I withdraw my motion to nonconcur with the Joint Rules committee of conference.

Sen. PORTER: I withdraw my motion not to concur and the request for a Committee of Conference.

RECESS

OUT OF RECESS

Sen. DOWNING: I move that the Joint Rules be laid on the table.

Sen. BOSSIE: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that we further adjourn with thanks to Dartmouth College, and especially Mrs. Bonnie Clark and Mrs. Lu Sterling; Hanover High School and especially Principal Robert McCarthy; the Hanover Chamber of Commerce for placing the American flags on Main Street; Legion Post 22, Guyer Cardigan, Brian Preston, Commander of the Post; and Roland Lee, Chief of police.

Adopted.

LATE SESSION

Third reading and final passage

SB 158, relative to the time of taking office of the school board of the Mascoma Valley Regional school district.

HB 704, relative to the manner of election of delegates to the constitutional convention.

HB 761, relative to election procedures of the Contoocook Valley school district.

SB 104, providing for the acquisition of Gile Forest and making an appropriation therefor.

HB 576, relative to guardianship statutes.

SB 88, relative to professional mental health evaluations of minors.

SB 14, establishing standards of legislative ethics.

HB 697, relating to appeals by hospital service corporations.

HB 699, relating to investments of hospital service corporations.

Adopted.

Monday, 21May73

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord, instill within us, a spiritual awakening that we may pass legislation which shall be beneficial in the right way for all of our constituents.

May we listen to Thy Voice, and follow in Thy way. Amen.

Pledge of Allegiance was led by Sen. Poulsen.

(Senator Porter in the Chair)

Sen. NIXON: I move that the rules of the Senate be so far suspended as to permit introduction of Senate Bill 222 waiving the rules of the Senate in regards to Senate hearing but not waiving the printing of the bill and the bill be put on second reading at this time.

Sen. NIXON: Mr. President, the number of the bill is SB 222 and copies of it are being distributed to the members of the Senate. This bill, Mr. President, relates to the activities of the Greyhound Racing Commission in respect to the granting of new licenses and arising also out of the incidents that have occurred over the weekend, which I will refer to in detail in support of the favorable passage and consideration of this bill at this time if the rules be so far suspended.

Sen. NIXON: Mr. President, the Senate Bill I offer, SB 222 briefly reads this. The Greyhound Racing Commission established by RSA 284 will not grant new dog racing licenses until June 30, 1975. This moratorium shall not preclude the commission from reissuing or relicensing any of the dog licenses now in existence. The bill if passed would take effect upon its passage. Mr. President, organized crime is with us in New Hampshire. An ominous cloud seems to be rising. I refer to the fact that the life and physical well-being of a member of the Greyhound Racing Commission was threatened by an anonymous telephone call this past Friday. He was told that unless he changed his vote so as to allow the granting of an additional dog track license, to a disappointed dog track applicant that his life and the life of his wife and young children were in danger. He immediately notified the Attorney General of this threat and after a sleepless night he took the courageous course of standing steadfast to his original decision along with the other two members of the commission not to change the commission's pre-determined action of not granting any new licenses over those already granted. Last night the same commission member was set upon by an assailant in the darkness and severely beaten, after a bag of some kind was placed over his head and he required hospitalization as a result. He and his family are now under twenty-four hour police protection. This morning he and other members of the Greyhound Racing Commission stuck to their guns and publicly reaffirmed their support to issue no more dog licenses until they have an opportunity to determine the total effect in New Hampshire, not just the effect on its revenue, but of more gambling. I applaud that decision and the courage that led to its announcement in the face of pressures — official and criminal — to change it. However the three Greyhound Racing Commissioners now stand exposed to further such pressures, pressures that no one in a clean and democratic society should have to face alone. Thus I offer this legislation for

the purpose of placing a moratorium on the issuance of further dog racing licenses in New Hampshire until June 30, 1975 the next biennium. The passage of this bill today will add twenty-four State Senators to the firing line in the defense of clean government in New Hampshire and hope that a later passage by the House will add four hundred to our ranks. Mr. President, not even the Mafia can control the House and Senate in New Hampshire when we are united in the protection of our Democratic form of government. For the good of all we believe in, I earnestly ask you to endorse this bill.

Sen. JOHNSON: Senator, can you tell us who has the licenses now?

Sen. NIXON: I don't know all of the names, Senator. I understand from the Attorney General with whom I talked this morning that there are three licenses now in existence. One is contingent upon a zoning situation in Nashua, one is in the area of Seabrook and the other is the Hinsdale license. As I understand it there are numerous other license applicants who, of course, the commission has already established a determination, and will not have their licenses granted or acted upon by the commission under the present circumstances in the foreseeable future.

Sen. DOWNING: Senator, I sympathize with what you are trying to accomplish with the bill. However, I wonder if in fact we can do that considering that it refers to licenses and the commission has made the ruling that no licensee will hold two licenses I believe relative to tracks in Nashua under a dispute in the zoning laws and the license has been granted to Seabrook. In the event that that situation is resolved according to this bill there will still be one license up for grabs between now and 1975. And how would that really relieve the pressure from the commissioner?

Sen. NIXON: That's the point that bothered me. As I understand it that should the zoning change, then that license would go before the board so that only two licenses are present. And it would not open the door for that license being granted in some other location.

Sen. DOWNING: Senator, supposing that the Nashua thing does come around so that the license is permitted in Nashua, would then the Seabrook license be up for granting?

Sen. NIXON: I do not know Senator. My concern is in respect to the passage of this legislation, and the immediate passage of this legislation is primarily for the health and well being of three Greyhound commissioners and their families and I did not get into what would happen if one of the licenses was denied or was not feasible. As I understand it there are three licenses now granted. One of them depending on a zoning change of which I am not familiar. And as I understand it if this bill is passed then no more licenses can be acted upon for the biennium.

Sen. FERDINANDO: Senator, this way I understand this is that if the Nashua situation should be cleared up and a license was then able to be issued to Nashua the Commission would still have another license to issue and would this not involve the same pressure?

Sen. NIXON: To my knowledge no. It is my intent in sponsoring this bill to preclude the pressure that we are aware of now so as not to weaken the defense of the commission from any source.

Sen. FERDINANDO: Senator, it does not say that here. It says that the moratorium shall not preclude the commission from reissuing either for present licensing or to a new licensee.

Sen. NIXON: It's not impossible. Let me state again that I understand that between one of the present license holders, the one in respect to the Nashua situation who also may be the same one who holds the license to Seabrook, might not be granted by reason of the zoning question, then the Seabrook one will be utilized and only at that point. That may be a practical reason for the Attorney General's office having drafted this with this language.

Adopted.

SB 222, providing a moratorium to June 30, 1975 on the issuance of new dog racing licenses.

RECESS

OUT OF RECESS

Sen. Nixon moved an amendment to SB 222.

Sen. NIXON: The amendment merely strikes out the

second sentence from the bill as originally drafted by the Attorney General's office. It does not leave the door open to any additional license applicants from coming into the picture and applying pressures. This bill would be directed toward preventing that from occurring. And this is at the suggestion of several Senators and with the concurrence of the executive director of the Greyhound Racing Commission.

Sen. SPANOS: Mr. President, I rise in full support of the amendment just offered by Senator Nixon to SB 222. I don't consider this to be a relation to an unfortunate situation by any means. I think it's a good bill considering the developments that have been occurring with the whole issue of Greyhound Racing in New Hampshire. In the last session I supported the bill of creating the Greyhound Racing in New Hampshire after a great deal of thought and consideration. As a matter of fact I didn't decide that I was going to support the bill until the very last minute. I must admit though that my prime concern was revenues and I think we didn't quite look into the full ramifications of what might transpire if the licenses were put up for grabs. I'm really surprised to think that there are more than two or three that we were considering actually giving, and I think that it's a good time to take notice of the fact that perhaps we shouldn't give any more licenses. Maybe we should be satisfied with a couple. So I think that it is not only good legislation to have this moratorium but it also will take care of the situation as posed by Senator Nixon that all of us go on the firing line concerning this matter. I'm just appalled by the fact that such a high-minded and public spirited gentleman like Thomas Tessier had to bear the brunt of what I think was an error to some degree on our part, not in establishing Greyhound Racing, but in permitting a situation where we are going to fight for the extra licenses. I hope you will accept the amendment as offered by the president. I hope that we unanimously will say yes, to the amendment and to the bill.

Sen. BLAISDELL: I rise in support of the amendment as proposed by Sen. Nixon and I'm speaking for this corner of the state and I highly recommend it.

Sen. BOSSIE: I would like to say that I do support the bill as amended and I would ask for a roll call so we can give the people of our state the chance to see how each and every one here does vote.

Sen. LAMONTAGNE: Senator, is there any chance that those who already have licenses could have been the cause of what's happening now?

Sen. NIXON: I can't imagine such a thing. But whether or not that is the case, certainly the well being of the members of the commission should not be placed in jeopardy by not passing the bill that is before you.

Sen. LAMONTAGNE: Mr. President, and members of the Senate, I am going to support the amendment as it has been presented to us today, however I wish that the wording of the amendment was different. The wording that I would have supported would be to indefinitely postpone all licenses and knock the dog racing right out of this state.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Moratorium on Issuing Dog Racing Licenses. The greyhound racing commission, established by RSA 284:6-a, shall grant no new dog racing licenses until June 30, 1975.

Roll call requested by Sen. Bossie, seconded by Sen. Jacobson.

Yeas: Sens. Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson, Spanos, Nixon, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston, and Foley.

Nays: None.

Result: Yeas: 24.

Nays: 0.

Amendment Adopted. Ordered to third reading.

Sen. NIXON: I move that the rules of the Senate be so far suspended as to place on third reading and final passage at this time SB 222.

Adopted.

Third reading and final passage

SB 222, providing a moratorium on June 30, 1975 on the issuance of new dog racing licenses.

Adopted.

Sen. NIXON: I move reconsideration of SB 222.

Motion lost.

(Vice President Spanos in the Chair)

INTRODUCTION OF SENATE BILLS

First, second reading and referral

Sen. Porter moved that in accordance with the list in the possession of the clerk, Senate Bills 223 through SJR 20 shall be, by this resolution, read a first and second time by the therein listed title, laid on the table for printing, and referred to the therein designated committee.

Adopted.

SB 223, increasing the exemption for real property taxes for the blind. (Nixon of Dist. 9 — To Executive Departments, Municipal and County Governments.)

SB 224, establishing a New Hampshire studies project. (Smith of Dist. 3 — To Education.)

SB 225, relative to smelt fishing upon the waters of Squam Lake, Lake Winnepesaukee and Lake Sunapee by paraplegics, and other non-ambulatory persons. (Lamontagne of Dist. 1 — To Recreation and Development.)

SB 226, relative to the sale or possession of certain quantities of heroin. (Porter of Dist. 12 — To Judiciary.)

SB 227, relative to the liability of personnel of the New Hampshire hospital. (Sen. Smith of Dist. 15 — To Judiciary.)

SB 228, establishing a committee to recommend a codification of the environmental laws of the state. (Porter of Dist. 12 — To Resources and Environmental Control.)

SB 229, providing for the employment of state police on their days off in the case of emergencies. (Nixon of Dist. 9; Spanos of Dist. 8 — To Finance.)

SJR 20, providing for an addition appropriation for expenses of the legislature. (Trowbridge of Dist. 11 — To Finance.)

RECESS

OUT OF RECESS

Sen. TROWBRIDGE: I move that the rules of the Senate be so far suspended as to dispense with the public hearing in regards to SJR 20 and that it be allowed to be on second reading at the present time.

Adopted.

SJR 20, providing for an additional appropriation for expenses of the legislature.

Sen. TROWBRIDGE: Mr. President, this was referred to the committee on Finance. This is the additional appropriation for expenditures of the legislature. This is the characteristic deficiency appropriation for the legislature. It amounts to \$75,000.00. Through a mishap I didn't realize that I was supposed to bring this resolution in and we are almost running out of money in the legislative appropriation from last year. You may recognize that the legislative expenses went up extraordinarily in Legislative Services in hiring consultants because we did not have legal services here available when we started the session. Also all of the monies for the attaches and other expenses have gone up like every other item and we are now at the point where Arthur Drake and I were talking today that they are not quite sure they have enough money in the account to pay the attaches salary much less the mileage for the members unless we pass this deficiency appropriation. So I urge your support. It's really less than we thought it would be and the \$75,000 would then go over to the House and hopefully we can get it through in time to pay the attaches and the mileage.

Sen. JACOBSON: Can you give us a delineation of the differences that exist in these various categories?

Sen. TROWBRIDGE: The Department of Legislative Services per se eats up about \$48,000 of \$75,000. The other monies we would transfer out of other funds to keep it going in the fiscal committee. The other ones are simply posted electricity, telephone expense etc., to make up the remainder of the amount of money necessary to close out the two year bi-annual appropriations ending June 30, 1973.

Sen. JACOBSON: I was wondering if it were possible for you to tell us comparatively what the cost were? In terms of let's say \$48,000 more than you expected, what was the expectation?

Sen. TROWBRIDGE: I'd gladly get them for you.

Sen. JACOBSON: I move that SJR 20 be laid on the table.
Adopted.

HOUSE CONCURRENCE

SJR 5, providing a supplemental appropriation for the cancer commission.

SB 106, relative to the use of voting machines.

HOUSE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATION ON

HB 232, relative to the process of reregistration of eligible voters.

HOUSE CONCURRENCE WITH SENATE AMENDMENT TO

HB 260, limiting to two sets the number of legislative registration plates.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

Sen. Porter moved that in accordance with the list in the possession of the clerk, the following House Bills 256 through 615 and CACR 33 shall be, by this resolution, read a first and second time by the therein-listed title, and referred to the therein designated committee.

Adopted.

HB 256, relative to outdoor advertising on the interstate, federal-aid systems and turnpikes. Public Works and Transportation.

HB 266, relative to salary increases upon certification and eligibility for certification of certain medical personnel. Public Health, Welfare and State Institutions.

HB 422, increasing the personal exemption under the interest and dividends tax. Ways and Means.

HB 847, permitting the employment of inmates of houses of correction at municipally owned recreational facilities and conservation projects. Judiciary.

HB 785, to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts. Education.

HB 823, relative to transportation of pupils to schools. Education.

HB 639, relative to permitting the Lord's Prayer and the pledge of allegiance in public schools at local option. Judiciary.

HB 832, increasing the debt limit for the Merrimack school district. Finance.

HB 615, providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting. Recreation and Development.

HOUSE CONCURRENCE WITH SENATE AMENDMENT AND REQUEST FOR CONCURRENCE ON AMENDMENT

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway.

Sen. CLAVEAU: The amendment includes pickup trucks and exempts trailers carrying animals.

AMENDMENT

Amend RSA 259:1, XXXI-a, as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

XXXI-a. "Automobile Utility Trailer", any trailer suitable for towing by a passenger automobile or pick-up truck, and which is being towed by such vehicle for the purpose of hauling personal property intra-state or inter-state; excepting such trailers when hauling livestock.

Sen. CLAVEAU: I move that we adopt the amendment sent to us from the House.

Adopted.

ENROLLED BILLS REPORT

HB 393, providing for rules of professional conduct in the practice of land surveying.

SB 140, amending the charter of the city of Concord relative to city council vacancies and absentee voting.

HB 308, relative to the income and operating charges of state buildings at Eastern States Exposition.

HB 352, relative to state-wide school food and nutrition programs.

HB 398, prohibiting use of certain types of traps.

HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director.

HB 667, to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg.

SB 44, relative to the notice required for the lay out of class IV, V, VI highways.

SB 95, abolishing the position of assistant bank commissioner.

Sen. Provost
For The Committee

NOTICE OF RECONSIDERATION

Sen. Porter served notice of reconsideration on HB 265.

Sen. BOSSIE: I move that the rules of the Senate be so far suspended as to allow introduction of SB 182 waiving hearing and publication in the Journal.

Adopted.

SB 182, providing for seven appointed members to the Manchester Airport Authority.

Sen. BOSSIE: Mr. President, I move on this to consider SB 182 as strictly a Manchester bill and Londonderry involvement. This is a bill to permit the airport authority to be expanded to seven members rather than the present five members. The Manchester delegation was unanimous in supporting this. The board and Mayor and Aldermen were unanimous in this as well. We ask that this be considered at this time.

Adopted. Ordered to third reading.

COMMITTEE REPORTS

HB 691

providing for family planning services for all persons seeking same. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 691 has as its intention the dissemination of family planning information regardless of the status or the age of the individual seeking the information. I think all of us are aware that our American society has adopted what one sociologist has called "fun ideology," and this has spilt over into the family institutions and into heterosexual relationships. So that the net effect is that we have established an increasingly permissive society. I think we are also aware of the inability of law to confine or control questions of sexual morality. Faced with that kind of decision, whatever one's own personal ethics may be one has to be sufficiently realistic to recognize that all are not in agreement on questions of morality as relates to sexual matters as we are generally in agreement when personal violence such as murder or assault take place. So that this bill is intended to aid those people with information who are, as the testimony offered, sexually active, and I urge passage of this bill.

Sen. BLAISDELL: Sen. Jacobson, in the second section of this bill it states age. Does this mean that my ten year old daughter without my permission can walk into this place, Family Planning Service, and get what they say here "medically acceptable procedures and information on all medically acceptable contraceptive procedures?"

Sen. JACOBSON: Yes: it does, technically. But I assume that a ten year old daughter would not be seeking that kind of information. The problem is, and I understand what you're getting at, is that the fourteen or fifteen year old girl, to be more realistic, may very well be also involved heterosexually without your permission or knowledge as well. And this is the fundamental issue.

Sen. BLAISDELL: Senator, was any concern given to making this maybe thirteen years of age. I think that's the age they can legally marry.

Sen. JACOBSON: It's twelve for a female. I don't recall that that consideration was given. The whole thrust of the testimony was directed to those persons who are as Doctor Dyken

said, "sexually active" and it would be a rare occasion that anyone under the age of twelve or thirteen would be in the condition.

Sen. BLAISDELL: But they can do it then?

Sen. JACOBSON: They could.

Sen. PRESTON: In regards to HB 691, there were four members present and two members did vote ought to pass. I am vitally concerned with this and some of the wording. It says that consent is not required by anyone except the person who is to receive it and should be offered without regard to marital status, age, or parenthood. In the third section it says that information on all medically accepted contraceptives shall be readily available to each and every person regardless of sex, age, etc. I agree with Sen. Jacobson that we are in an age of permissiveness and I also agree that all families and parents have not abrogated their responsibilities as parents. And by voting for this bill today, that regardless of Sen. Blaisdell's objections that his daughter or any other youngster could receive this, I think that this is condoning more parental abrogation of its duties.

Roll call requested by Sen. Porter, seconded by Sen. Nixon.

Yeas: S. Smith, Bradley, Jacobson, Trowbridge, Porter, R. Smith, Bossie, Johnson and Foley.

Nays: Poulsen, Gardner, Green, Nixon, Blaisdell, McLaughlin, Claveau, Ferdinando, Sanborn, Provost, Brown, Downing, and Preston.

Result: Yeas: 9.

Nays: 13.

Motion lost.

Sen. DOWNING: I move that further consideration of HB 691 be indefinitely postponed.

Sen. JACOBSON: Mr. President, I want to say with all the clarity that I can that the defeat of this bill will do nothing to increase the morality of the community. In fact, it will simply continue the underground situation that exists, presently. I think we have to make a consideration and a differentiation between what we may privately believe, and I don't believe in the abrogation of family responsibility, but I think that's a private matter. We have a responsibility that is a public respon-

sibility and the situation is deteriorating and will continue to do so. If we want to allow this I think we ought to reconsider the way in which we voted.

Sen. GREEN: Would you concur that it is possible for an amendment to be drawn up for this bill stating an age requirement and maybe that would be a possibility of getting around this?

Sen. DOWNING: I don't think so Senator, obviously it has been told by previous testimony that the committee had considered such a thing and equally obvious they have no intention of putting an amendment on it. I think the feelings of the body have been shown in the last vote and this would only carry this one step further.

Sen. GREEN: Senator Jacobson, was the question of an amendment with an age requirement discussed in the committee?

Sen. JACOBSON: I don't believe any amendment was discussed. The question was raised by Senator Preston about any age and the question resolved around the fact that a nine or ten year old child wouldn't be seeking that kind of information and I think that the person who would possibly be in possession of that kind of information would probably make a reasonable judgment as to why a nine or ten year old child should want that information. But I have no objection if that is the objection on this by placing an age on this so that only those who have attained the age of puberty would be eligible then I would be perfectly willing because that is what the issue is anyway.

Sen. Green moved that HB 691 be recommitted to the committee on Public Health, Welfare and State Institutions.

Sen. GREEN: I like to see this referred back to the committee. I believe that a great deal of the opposition to this bill is the idea of any age being able to get this information. I am aware that in the statutes right now for example in the age of venereal diseases people can get this information at age fourteen. It would seem that this is in the same realm of confidentiality that there are people in our society who need this help and I cannot in my own conscience leave the door wide open to any age so I think that if the committee could get the bill that they could clarify this.

Adopted.

Sen. Porter moved reconsideration of HB 265 at this time.

Adopted.

HB 265

relative to the commitment of children in the State Industrial School.

Sen. PORTER: Mr. President, HB 265 was acted upon by the Senate last Thursday night in Hanover, it was killed and indefinitely postponed and I recognize that it will take a two thirds vote to revive it at this time. However, thinking about the bill I would like to refer it to the committee on Public Health and Welfare so that they might look into some of the deeper issues related to HB 265.

Sen. NIXON: Mr. President, I rise in support of the motion as offered by Senator Porter to reconsider our action whereby we killed HB 265 on Thursday last. Should this bill be reconsidered by the Senate to move that it then be moved to the Judicial Council for interim study by that body. The reason for my making that motion, should I have the opportunity, is that there are distinguished judges and members of the court and probation department officers on both sides of this bill who have strongly advocated their respective positions for and against its passage. I am aware that at the present time that there are cases where juveniles are sent or confined or relegated as the case may be to the Industrial School for offenses which if they were adults would not warrant their imprisonment. And I am aware that this is not necessarily and probably not publicly a good situation. I am also aware, however, that there are distinguished members of the bench in New Hampshire and probation officers who fear that should the present law which permits such happenings to occur be struck down, as this bill would do, then they would have no teeth. They would have no persuasive influence so to speak of any kind of a disciplinary nature in respect to juveniles who repeatedly commit such offenses as truancy and the like which are not of a criminal nature. I am also aware that the superintendent of the Industrial School, Dr. Morello, first supported this bill and thereafter withdrew his support and opposed this bill in the legislative process. Now here's a man with a distinguished background — who has spent the majority of his life working in the correctional institutions with youth and who has manifested that he is ambivalent to

this type of legislation. And for that reason it seems to me that the bill and the process warrants the deliberate consideration that the Judicial Council could give it.

Sen. BLAISDELL: If your motion should pass would you have any objections to the motion of Senator Nixon to refer this to the Judicial Council?

Sen. PORTER: Well, frankly Senator, I prefer this to be sent back to the Public Health and Welfare Committee.

RECESS

OUT OF RECESS

Division: 13 Yeas; 9 Nays.

Motion lost.

SB 166

to require approval of increases in hospital rates by state rate-setting commission. Referred to Public Health, Welfare and State Institutions for further study. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, SB 166 has as its intention the establishment of a special commission which would have supervisory control over hospital rates. Now I think all of us are aware of the skyrocketing cost in hospital rates. Part of the problem apparently is that for some strange reason we have gotten into competitiveness with respect to hospitals and everybody wanting to have the most up-to-date equipment for the cure and treatment of even the rarest disease. It was the committee's considered opinion, that this is a very complex question and would like to have the interim time to study looking forward to the possibility of there being a Special Session so what we are asking is the bill be permanently committed to the Public Health committee whereby we can take the opportunity to study under the statutes which allow the standing committee to work on these problems. There is a recognition that a serious problem exists but simply because it is a serious problem we do not want to take any precipitous action at this time so that we have a full panorama of what the facts are in regards to this important problem.

Sen. BRADLEY: I rise in support of this. I have had a

number of calls on this question. I have several hospitals in my district. One large one being Mary Hitchcock and the position of these institutions on this is not against this bill but they do believe it is severely defective. It seems that to send it to a committee for study is the appropriate action.

Sen. MCLAUGHLIN: I rise in support of Senator Jacobson's motion.

Adopted.

Sen. Jacobson moved that SJR 20 be taken from the table at this time.

Adopted.

SJR 20

providing for an additional appropriation for expenses of the legislature.

Sen. TROWBRIDGE: Mr. President, continuing my remarks on this. When I said lightly that I could get the figures for you there was no question that the figures were there. Senator Jacobson was asking sort of relative figures as to expenses and how they went up and what created the \$75,000 deficit that is projected for fiscal 1972-73. The Senate has done pretty well. They have an appropriation that we made two years ago of \$141,000 and they are projected to have spent \$149,000 dollars.

The real problem comes with Legislative Services which is \$153,000 of the appropriation and is spending at the rate of \$226,000. This is clearly the hiring of lawyers on the per hour basis. More bills, more consultants, and personnel. The legislative budget assistants' budget went up as well. \$224,000 to 377,000 most of which was for personnel services for staff or the audit. And then the expense of printing and binding has gone up dramatically. \$95,000 was appropriated for this and we are spending at the rate of \$180,000. Now that's the amount of bills coming in here. That's the number of reports going through. It's the xerox machine and all of that kind of expense that comes with a much increased amount of journals, calendars and all of that printing expense. We have counteracted this by dipping into the legislative mileage account. So that the \$75,000 is being put back into that joint expense so that we may continue to pay throughout June 30, 1973 the mileage and the attaches.

Sen. JACOBSON: As I understand it then Sen. Trowbridge, the actual spending amount in these categories of which you speak are in excess of the \$75,000, but possibly surplus funds have been transferred so that the net deficit is in the range at the present moment of \$75,000.

Sen. TROWBRIDGE: That's what the Fiscal committee does. One of their responsibilities is to project what the amount of spending will be.

Sen. JACOBSON: As you will recall the leadership of the legislature found some twenty three thousand dollars of float that was left over from the 1965 legislature I believe. Is there any float now?

Sen. TROWBRIDGE: When we, if I understand it, if we take the \$75,000 now that there might be some float of \$10,000.

Sen. JACOBSON: But there is not a hidden float?

Sen. TROWBRIDGE: No. Not that we know of.

Adopted. Ordered to third reading.

SB 180

requiring the bonding of new and used car dealers. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, SB 180 addresses itself to a problem that is just beginning to creep into our state. Most people today with the passage of the title law feel that once they purchase an automobile and they have title to it that they own that automobile and that isn't true. We have some illegal practices existing along the southern border of the state where people have purchased vehicles and received their title only to find out some six months or a year later that they didn't own that vehicle and it was impounded by the federal authorities. And they were stuck with not only the money that they had invested in the vehicle or automobile that they traded in but also the note that they still had outstanding. This bill addresses itself to securing that problem. And I might say that the title law as we have now has a lot of problems and this addresses itself to one area. This would mean that if this bill is passed and becomes law that every automobile dealer would carry a bond against a stolen vehicle so in a case where a consumer does purchase a

vehicle and the property is stolen he would have a claim against the bond of that dealer. Now we are not concerned really with the long term established dealer in the community and the bonds are established on a sliding scale, so that to initially start a business you would be required to post a bond of \$20,000. This is at the cost of \$10 a thousand. This is surely not prohibitive yet it insures the safety of the consumer.

Adopted. Ordered to third reading.

SB 168

relative to illegal use of inspection stickers. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, SB 168 is sponsored by Senator Lamontagne having to do with inspection stickers having been voted inexpedient to legislate because there is another bill that came to us at the same time which is exactly the same matter but goes a step further. So we voted to have this one inexpedient and to present the other one instead.

Adopted.

SB 161

designating a certain portion of route 13 in New Boston as Davis Scenic Drive. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, SB 161 this bill would designate 3 and 3/10 miles of the Town of New Boston as the Davis Scenic Drive in honor of the memory of Ronald C. Davis of New Boston who was killed in action in Vietnam on January 23, 1970. Davis was a sergeant in company B. He was active in baseball, a member of the Future Farmers of America also in 4-H and quite active in the community of New Boston. He was also the only citizen of New Boston to be killed in action in Vietnam. The State Highway Department appeared in favor of this bill and very enthusiastic for its passage. It seems that this highway route 13 runs up alongside the river into the Village of New Boston. There was no opposition to this bill and I urge its passage.

Adopted. Ordered to third reading.

HB 224

to reclassify a certain section of highway in the town of Orange. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this is similar to another bill that we had. A section of road in the town of Orange has been designated some time ago as a class 2 highway. We understand that it leads from the village to practically nowhere. Both the town and the state prefer that this road be reclassified to a class 5 highway and there was no opposition to this whatever.

Adopted. Ordered to third reading.

HB 628

relative to the use of illegal inspection stickers. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill HB 628 does the same thing that we ordered inexpedient except that it defines the crime and even goes into the penalty. Apparently there has been great trouble with counterfeited inspection stickers, not only with making them but with lifting them from one car to another and this will help solve that problem.

Adopted. Ordered to third reading.

HB 786

relative to the name of certain buildings in Coos County. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill merely changes the name of the Almshouse to the West Stewartstown Nursing Home Hospital. It adds status and prestige and adds to the name that detracted from the charm of the place. We urge its passage.

Adopted. Ordered to third reading.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to permit a hearing on HB 582 without the necessary two days notice in the Journal.

Sen. TROWBRIDGE: This is the bill, Mr. President, HB 582 dealing with the Winnepesaukee Pollution Control appropriation. It has some real hurry up aspects in that there is a deadline of May 30 and in deference to the sponsors I am trying to move it along.

Adopted.

SPECIAL ORDER 7:01

HB 242

relative to five percent interest on tenant's security deposit. Ought to pass with amendment.

Sen. BRADLEY: Mr. President, this was a bill that was first reported out some time ago and it has been amended. It was on the Calendar for Littleton and it was made a special order that night. This bill provides that when a landlord requires or accepts a security deposit from a tenant and holds that deposit for more than six months that when he pays back the deposit he must pay it back with interest and at the rate of five percent a year. The landlord may deduct any overdue rent or any damage that may have occurred against the deposit and then pay interest only on the sum that he has to pay the tenant. On deposits that are held for less than six months the bill does not apply and no interest has to be paid back.

Sen. FERDINANDO: The amendment which was put on when the bill was first referred to the committee was to make it clear that the landlord did not have to recover against his insurance company for damages before he could recover on the security deposit. There was language in the original bill that indicated that the landlord could not use the deposit to reimburse himself for damage. So this says that the landlord can take the deposit first if the deposit doesn't cover it he can then go to the insurance company.

Sen. POULSEN: Senator Bradley, if I lived in a town that had no savings bank but only a national bank and I wished to get the highest interest on my money would I not do well to go around paying out deposits everywhere to get 5% which is not possible to get any other way?

Sen. BRADLEY: Yes, I suppose you would want to place your money where you would earn 5%

Sen. JOHNSON: Senator Bradley, where does this six months' reference come in?

Sen. BRADLEY: The original bill was amended and the amendment was printed in full in the Calendar on the night that we were in Littleton.

Sen. JOHNSON: Senator, did I understand you to say that

the landlord who holds a security deposit shall return it at the end of six months even though the tenant is still there?

Sen. BRADLEY: No. The six month thing applies only for tenancies which go more than six months. If the tenancy is less than six months and you take a security deposit, when you pay it back you don't have to pay back any interest.

Sen. SANBORN: Just one question from the discussion that I've heard on both sides so far, in other words can I expect from now on that all leases will be for twenty-five weeks?

Sen. BRADLEY: I would not think that that would be the case.

Sen. POULSEN: Mr. President, I rise in opposition to this bill. This concept of paying money out of deposit while it does have its good points it also involves the concept of whether you should pay interest on escrow accounts. I would hate to see us vote on this now before we have looked into the escrow concept. I am not particularly opposed to this bill but I would like to see it delayed if possible.

Division: Yeas: 9.

Nays: 10.

Amendment not adopted.

Sen. PORTER: I move that HB 242 be laid on the table.

Adopted.

HB 498

relative to the area school contract between the Rochester school district and the Strafford school district. Ought to pass.
Sen. Green for the Committee.

Sen. GREEN: Mr. President, the bill would permit the Rochester school board and the Strafford school board to amend their area school contract to include grades nine through twelve without obtaining the approval of the State Board of Education. Further contracts would include grades 7-12. Both the Rochester school board and the Strafford school board have agreed to go along with this, permitting the breaking of the contract for grades 7 and 8 only. Thus allowing the Strafford school district to buy facilities and programs for their own students in their own community. I move that this ought to pass.

Sen. SANBORN: Mr. President, since the town of Strafford is in my district and the town of Rochester is in Senator Green's and the town of Strafford is very much in favor of this I favor this bill.

Adopted. Ordered to third reading.

HB 255

permitting the employment in a school district of a learning disabilities teacher. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 255, merely states that a school district may employ a learning disability teacher. The bill started out of the House originally with a wording that would have made it mandatory, the House amended that version by changing the word "shall" to "may." There's been a little controversy about this bill. As you recall it was brought out on the floor earlier in the Education committee that there seemed to be a great concern for the youngster who is considered to have a learning disability. And it is only in recent years that people have been able to recognize this. And feel that it is important that more attention should be given to this particular area. The term "learning disability" is probably not the most easily defined, but I would give you some thoughts of the committee. A child with a learning disability is not mentally retarded. They have or may have an average or an above average I.Q. They have a minimal brain disfunction and because of their disabilities they follow many different patterns. One disabled child may learn everything orally, another visually and others may have lack of motor skills, difficulty with hand and eye coordination or be unable to learn things in sequence. These children must be taught through as many senses as possible.

It is estimated that at least one child in ten has some degree of learning disability. If caught in the first and second grades the remediation is 75%. If not caught until the 7th, 8th and 9th grade the level is about 15%. The greatest danger for learning disabled children lies in the frustration that sets in when they are aware of their classmates' progress and their own lack of achievement. The older these children become without remedial education the greater the frustration. Mr. Drussier of the Department of Education was asked for his description of

learning disability and he suggested that it could be described in that it is an exception. The child is not retarded and generally there is something that can be traced medically that can tell how the problem occurred. An area of great concern in our state, a lot of people feel that it is vitally important.

Sen. BRADLEY: Senator, did I understand your remarks to say that school districts already have the power to hire these teachers?

Sen. DOWNING: No, Senator you did not. Learning disability per se is not spelled out in the law now. Under present statutes they do in fact, hire teachers, but the term learning disability is not presently in the statute area and it is imperative to many people to be put in there.

Sen. BRADLEY: I'm not against the concept of these teachers being hired. What I'm concerned with is the implication that we might create by this bill that the school district needs to get permission from the legislature to hire a particular teacher each time.

Sen. DOWNING: I would agree with that.

Adopted. Ordered to third reading.

SB 76

relative to tuition payments for handicapped children and making an appropriation therefor. Ought to pass with amendment. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, the Education committee gave this bill long and hard consideration. The attempt of the amendment is to allow funds to be used for tuition payments for handicapped children who have to go outside of the school district. As the bill was introduced originally, the basis on which the school would pay, was on their own school district cost. This was amended to make it the state average. Also the appropriation restrictions were extended tighter so that these funds will be used specifically for out-of-district tuition payments and that no other state monies could be used for that purpose. The Senate will go along with the bill.

Sen. JACOBSON: Does this involve merely the transfer from one public school district to another public school district?

Sen. S. SMITH: No, it involves the transfer of students

particularly the special type of educational institutions, but it may be public or private.

Sen. JACOBSON: I haven't had a chance to study the bill; I wanted to know if in a school district which has handicapped children, and wants to send them to another school district which has the facilities for teaching the handicapped children, does the school board then make an application for these funds?

Sen. S. SMITH: I believe that the school board does make an application and then the child is sent either to that other school district or to the private institution which has the facilities to care for him.

Sen. JACOBSON: Now if the cost whether it be private or public school is greater than the state average then the school district from which the child comes makes up the difference?

Sen. S. SMITH: The school district makes up the state average cost. Rather than a specific.

Sen. JACOBSON: Suppose the tuition is \$2,000 to this private school, and suppose that the state average is \$600 now who pays the 1400 dollars?

Sen. S. SMITH: The state.

AMENDMENT

Amend RSA 186-A:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

186-A:8 Tuition of Handicapped Children. Whenever any handicapped child shall attend any public or private school or program situated within or outside of this state, which offers special instruction for the training or education of handicapped children, and which has been approved for such training by the state board of education, the school district where such handicapped child resides is hereby authorized and empowered and shall appropriate and pay a portion of the cost of such education. The state board of education may assign children to approved schools for handicapped children, as provided in RSA 193:3. Schooling for deaf children may commence at age four. The school district in which each handicapped child resides shall be liable for the tuition of said child. The tuition liability of the school district shall be limited to the state average

cost per pupil of the current expenses of operation of the pupil elementary, junior high or high school for the preceding school year. Pursuant to the provisions of RSA 193:4 and RSA 194:27, this current expense of operation shall include all costs except cost of transportation of pupils, and except capital outlay and debt obligations. The state board of education shall be responsible for any tuition cost which exceeds the state average cost per pupil of current expenses. In Cheshire county, upon request of such a school district, and upon approval by the county convention, the county may raise and appropriate funds to pay a portion of such costs for special education under this section.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. The sum of nine hundred forty-five thousand seven hundred fifty-six dollars is hereby appropriated for the fiscal year ending June 30, 1974; and the sum of one million thirty-eight thousand three hundred twelve dollars is appropriated for the fiscal year ending June 30, 1975; the funds provided by this appropriation shall be non-lapsing, and no part shall be transferred or expended for any other purpose by the state board of education, except as their share of tuition costs under the provisions of this act. No other state funds shall be made available for the purposes of this act. If funds provided by this appropriation are insufficient, distribution to the school districts shall be pro-rated. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted. Referred to Finance.

SB 64

relative to child benefit services. Ought to pass with amendment. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, SB 64 is another SB which the committee has held a lot of executive sessions on and lengthy hearings. This bill was introduced through the Governor's commission on children and it was a simple bill when it started allowing simply changing may to shall in the area relative to child benefit services through the schools. Under the present law it states again that school services, the schools may provide these following services. School physicians services, school nurse

services, school health services, school guidance and school psychologist service, educational testing services.

The bill intending to change these immediately by the amendment. The amendment is to require that school physician services, nursing services and health services and also what we have termed educational testing services however the type and method of testing by the local school board will be made mandatory. But not until July 1, 1976. This is to allow the towns and school districts to gear up in preparation for this. The other sections of the bill relative to school guidance which we felt would supplement and supplant psychological services at much less cost, but give the same effect, to the school district. Basically, the guidance services are not required until 1978. We felt that the schools within the state are heading rapidly toward this goal but that there are areas where this is not happening to offer an equal opportunity in education and equal facilities for all students within the state.

Sen. TROWBRIDGE: Is there any provision in the bill to compensate the school district for these extra duties?

Sen. S. SMITH: There are no funds involved in this bill. Testimony was given that on the first three services, school physicians and school nurses and health services that additional costs implemented at this time throughout the state would be in excess of \$700,000. However, testimony was also given that schools were working towards this and the cost for all schools were increasing so that it was felt that this would not be a burden by the effective date of 1976.

Sen. TROWBRIDGE: Do you think that it's probably typical of the kind of mandatory requirement that we have made over the years to our school districts for which they complain "how do we do it if you don't give us any money?" Isn't this typical?

Sen. S. SMITH: I don't think that this is necessarily typical in that most school districts have these first health services.

Sen. JACOBSON: Sen. Smith at the present time I believe that it is in the budget and Sen. Trowbridge may correct me, a provision for Child Benefit Services under the dual enrollment programs will this bill effect those child benefit services?

Sen. S. SMITH: I don't believe so at all.

Sen. SANBORN: Mr. President, the other day I mentioned that we are making some things for school districts mandatory and we don't give them any funds to carry out these programs which we set up here in the legislature. I have to agree with Senator Trowbridge although Senator Smith told us that 1, 2, 3 under this amendment would cost \$700,000 divided out among the school districts of the state. He failed to give us an explanation of how much 4, 5, and 6 are going to add. Now I ran into 5 on the budget committee this last spring — educational testing services. I found out that this is put on by organizations outside of the state. I think that this is a great expense when you tell a school district what it's got to do. I'll go along with this bill provided the state allow the funds to do it. The taxpayers have enough of a burden now without any added funds. And if we are going to make it mandatory then we should allow the money for it.

Sen. GREEN: Mr. President, I rise in support of the bill. I went through a long period of deciding whether or not but I do not have a hard time in my mind with the passing of legislation that would put a heavy burden on the people. However after having spent a great deal of time looking at this bill, and after having looked into the possible effects on a number of school districts, I came to the realization that although it became effective immediately it was also made clear to me that in a couple of years that figure is going to be a great deal decreased. The last three if school guidance services was enacted completely today it would cost the school districts one million two hundred and fifty dollars. However you have to recall that the effective date is not until 1978. Educational testing will not cost any money for the school district. No. 6 is a "may" situation. I checked into this, and I feel that Senator Sanborn has a good argument but I also feel that there are some districts in the state of New Hampshire that are not providing any of these services, or very limited, and we are not focusing in on the majority of the school districts.

Sen. SANBORN: Senator Green, while you've implicated that yes the school districts have many of these services today however, you made the statement that you interviewed superintendents of the districts. Isn't it true that superintendents of the various school districts are prone to inflate their ideas that they are trying to put over on the poor unexpectant school districts?

Sen. GREEN: I don't recall asking the opinion of the superintendents. My question was what would this do to your budget if these requirements were made mandatory in terms of minimum standards and that is the question that I asked.

Sen. SANBORN: That wasn't my question. I said isn't it more or less true that the superintendents of school districts throughout this state tend to inflate the programs that they feel they would like to have in their schools?

Sen. GREEN: I'm not sure how to answer that Senator. If I answer it one way it indicates something that I don't want to indicate.

Sen. TROWBRIDGE: Mr. President, I sympathize completely with what the Education committee is reporting. There is no question that this is desirable. I have a problem, however, and I had it when I was in the House legislating in year 1973 to take effect in year 1976, during which there is another intervening legislative session, you really haven't made a decision. You are saying this is what we hope you are heading for. It is something which the committee says they are heading towards anyhow. And my feeling would be if that's what you want to do the way to do it would have the state department use its powers of persuasion to advise the school boards and the budget committees of the value of having these people and hoping that it moves along by itself unless the state is going to fund it. So I am going to vote against this bill.

Sen. GREEN: Sen. Trowbridge, would you agree that the persuasive powers of a state board of education is directly connected with the amount of financial support they can make available?

Sen. TROWBRIDGE: No question at all. That when they do give support to a program they should give adequate support and not just tokenism.

Sen. SMITH: Mr. President, I feel that this bill has been given a lot of consideration by a great number of people from the Governor's commission on children and youth through the legislature. There has been ample opportunity and testimony but I do not believe there was one person appearing before the committee in opposition to the bill. I am not keen about the insinuation that superintendents of school are enemies of the people. I think that we should read our constitution which

says that the state has the responsibility for the education of children. The implementation of this bill will in effect give those children an opportunity to be evaluated as to some of their physical disabilities and some of their assets and other liabilities of a mental nature so that these citizens as they grow can become more productive. I disagree with Sen. Trowbridge that the law would be negative in that the effective date is long distant. I think that also if this becomes an objectionable piece of legislation that a great hardship should occur, it would give the people of the state an opportunity to do something about it.

Sen. JACOBSON: Is there anything in our school laws that prohibits a school district from adopting the procedures that you speak of?

Sen. S. SMITH: There is nothing which prohibits.

Sen. JACOBSON: Having listened to the debate I have decided that I'm on the side of Senator Trowbridge on this question because I think that somewhere along the line we have to stop projecting. We have other bills in which we are projecting out into the future hoping to give the school districts an opportunity to catch up but all along we are in fact mandating procedures without financial support. We have a score of bills this year which we mandate to the cities and towns and school districts without providing financial support and I think we ought to either put up or shut up, in these matters.

Sen. SMITH: Two questions, Senator. 1. By making it effective in 1978 does this not in effect give the opportunity for the towns to hire guidance counselors in a logical, business-like way, whereas if the effective date were at the present time, it would be a very difficult situation?

Sen. JACOBSON: The answer is yes.

Sen. SMITH: Would you think then that there is a logical reason for having it 1978, as an effective date?

Sen. JACOBSON: Well, whether it's 1976 or 1978 the net effect is to place the financial burden for a mandatory provision upon the school district.

Sen. SMITH: The concern that you show for the school districts is highly justifiable, but did we not pass a bill which

appropriates under a million dollars for the local school districts to give them special education?

Sen. JACOBSON: We did and I supported it.

Division: Yeas: 9.

Nays: 12.

Amendment not adopted.

Sen. TROWBRIDGE: I move that SB 64 be indefinitely postponed.

Adopted.

SB 85

relative to maintenance of bridges on class II highways. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President there is an amendment to SB 85 and it was presented to the Finance Committee but it did not get printed in the Calendar.

Sen. SANBORN: The only thing that this amendment does is state that in the year 1975 the state takes over the maintenance of all bridges now under class two highways. At present the state of New Hampshire can build a class two highway across a bridge in a town or city and sometime in the dim future require that town or city to provide the funds to rebuild that bridge if it were not constructed or reconstructed at the time that the highway became a class two highway. There are cases where bridges are still in the ownership of a town or city where the funds were given for a class two highway back in the 1930's. The only thing that this bill requires is that after twenty-five years if the state doesn't have that bridge rebuilt then the state takes the responsibility of the construction or the reconstruction of that bridge. The reason the year 1975 was set aside is that our budget at present calls for a small amount of state aid funds to bridges and the state has laid out certain bridges in the state to be rebuilt under the 1974 and 1975 budget. And so it was felt that if this takes effect in July of 1975 the the state will have two years to clean up the present bridge program and be prepared to take over all bridges twenty-five years of age or older that are now under class two highways.

Sen. SMITH: Did I understand you correctly Senator, that the effective date of this was 1975?

Sen. SANBORN: That is correct.

Sen. SMITH: This means then that the state will have to take over all of the bridges which have not been maintained or rebuilt within the last twenty-five years?

Sen. SANBORN: That is correct.

Sen. SMITH: Would it be reasonable to say that these are probably the bridges that deteriorated the most?

Sen. SANBORN: Not necessarily.

Sen. S. SMITH: What would be the cost between now and 1975 of rebuilding all of these bridges?

Sen. SANBORN: I have no answer to that question right now.

Sen. S. SMITH: Are the funds available within the State Highway Department?

Sen. SANBORN: I have no figures on it right now.

Sen. JOHNSON: Sen. Sanborn, what is a class two highway?

Sen. SANBORN: A class two highway is a highway in our secondary system maintained by the state.

Sen. JOHNSON: It says "said bridge"; there may have been four bridges there in the last hundred years.

Sen. SANBORN: No, a bridge that had been constructed over fifty years ago in all probability had been constructed with state aid funds. Therefore it meets the requirement of the state and the state will take over the responsibility for that bridge already.

Sen. TROWBRIDGE: I rise in support of the amendment and to answer what is obviously the kind of snicker that is going around that we are being inconsistent here with our position. I think in contrast it shows a consistent policy. Here we are saying that there is a situation where we can mandate the state department to do the job. Unlike mandating another department like the school district to do the job out of their own funds, we are mandating that these bridges which are right in the middle

of the state highways system, that there was no logical reason for the state to have that policy except that when they wanted to build state highways and there was a bridge there they made a deal with the town that you keep the bridge and we'll build your road up to the bridge and away from it. It is at this point a very difficult thing for a small town if it happens to have a bridge in it that needs repair to gain the one half to two and one half million dollar job. So that that program isn't working. We are not making it mandatory now because we have an inventory to do and a gearing up of the department to have enough where-withal to come back and say how many bridges actually need repair, what will the program be and what we are asking the Senate to say there is that we go on record as being in favor of moving this expense from the town.

Sen. SMITH: Your consistency I don't quite follow.

Sen. TROWBRIDGE: I didn't expect you to.

Sen. SMITH: Do you have an estimated cost, as a member of the Finance committee, of what this will be?

Sen. TROWBRIDGE: The program — everyone thinks that you have taken over responsibility for these bridges that all will need repair. All 56 bridges are not in need of repair. As far as I know the ones that come up like the Kelly Falls bridges are already state bridges. There are probably ten out of the 56 bridges that should be put on the program. It might be as much as six or seven million dollars out of the budget of 84 million that highways allotted this fund. But the reason that I say that this is not a complete cost is that right now the state pays 50 to 80% of those repairs now.

Sen. JACOBSON: The 56 number keeps coming up. Is that what remains to be taken over?

Sen. TROWBRIDGE: Yes.

Sen. JACOBSON: So once that is accomplished then the whole project is taken care of?

Sen. TROWBRIDGE: Yes.

Sen. SANBORN: I move the following amendment.

AMENDMENT

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

